MINUTES OF THE PROCEEDINGS

OF

THE COUNCIL

OF THE
CITY OF PITTSBURGH
FOR THE YEAR
1994

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MUNICIPAL RECORD

Proceedings of the Council of the City of Pittsburgh

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Municipal Record

ONE-HUNDRED TWENTY-EIGHTH COUNCIL

JIM FERLO.....President
LINDA M. JOHNSON-WASLER.....City Clerk
KURT J. SALAC.....Asst. City Clerk

Pittsburgh, PA
Tuesday, June 21, 1994

PRESENT:

Mr. Cohen	**Mr. Ricciardi**
Mr. Hertzberg	**Mr. Smith**
Mr. O'Connor	**Mr. Ferlo**
Mr. Onorato	**(Pres't)**

ABSENT:

Mr. Cusick

The Chair:

We have a quorum.

At this time I would ask you to please rise for the Pledge of Allegiance and please remain standing for a moment of silent prayer so that we may have peace throughout the world.

"I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with Liberty and Justice for all."

PRESENTATIONS

The Chair:

Thank you.

We have a number of guests in the audience this morning. At this time I would like to ask the coaches and some of the team players from Brashear to please come forward at this time. Members of Council, ladies and gentlemen, good morning. Councilman Cusick, unfortunately, had a family emergency with his wife Rita, his father-in-law is in the hospital this morning, and he had to travel just outside the City and he will be here later on this afternoon and he asked on behalf of all of our colleagues that we read the following resolution. We have some great students here and some great athletes.

THE CHAIR FOR MR. CUSICK PRESENTS

No. 695 WHEREAS, John A. Brashear High School is known for striving for excellence in academics and athletics; and,

WHEREAS, the Brashear High School Bulls Baseball team's 1994 season was marred by injuries that were detrimental to the team's chemistry; and,

WHEREAS, despite the adversity caused by injury the Bulls were able to pull together and respond with four big wins down the stretch of the season ending with a win over Allderdice High School, 8-3, for the City title; and,

WHEREAS, the Brashear Bulls are now the 1994 City League Baseball champions due to the superior efforts of the coaches, Wayne Nerone, Ron Wabby and Hank Hogle, and especially the endurance and perseverance of the players, Justin Cibrone, Mike Daniels, Matt Kennard, Bob Wardzinski, Clyde Manns, Joe Winklmann, Rich Barkey, Scott Gedzar, and Jason Gaugler;

NOW, THEREFORE BE IT RESOLVED that the Council of the City of Pittsburgh hereby commends the Brashear Bulls Baseball team for

their achievement in winning the 1994 Pittsburgh City League Baseball Championship and going on to the State Championships.

MR. HERTZBERG moved to adopt the resolution.

MR. COHEN seconded the motion.

Which motion prevailed.

The Chair:

Thank you very much. We are very honored to have a couple of the coaches here this morning as well as some of the team players and we want to applaud all of you for your hard work and I know Councilman Cusick is very proud of his alma mater. And, at this time I would ask one of the coaches to come forward and then maybe we can get one of the young athletes up here to say a few words also. Coach.

Unidentified Speaker:

I just would like to thank Councilman Ferlo and the Council on the recognition and the parents and my Principal, Mr. Nicklos, it is quite an honor, I appreciate it. Thank you.

Unidentified Speaker:

I would like to thank coaches Wayne Nerone and Ron Wabby for believing in us and it was a great year, it took team work and I am just really happy about it. Thank you.

The Chair:

At this time I would like to call on Councilman Bob O'Connor.

Mr. O'Connor:

Good morning. Would Dennis, Mike and Peggy, please come up. Actually I am co-sponsoring this with Councilman Cusick, and he will not be here today, his father-in-law is ill and that is why, understandably, he won't be able to be in Council today.

MR. O'CONNOR PRESENTS

No. 696 WHEREAS, on Sunday, June 26, 1994, the Ancient Order of Hibernians County Board, in cooperation with county Irish Organizations and communities, will hold it's 90th Annual Irish Day Picnic; and

WHEREAS, the allay event will include live Irish music and Irish step dancing, Irish foods and refreshments, and children's activities; and

WHEREAS, the event will also include a Gaelic football match and Camogie game.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Pittsburgh hereby commends and honors the efforts of the Ancient Order of Hibernians County Board to promote and preserve the culture and traditions of their Irish heritage.

SPONSORED BY COUNCILMAN JOE CUSICK AND COUNCILMAN BOB O'CONNOR

MR. O'CONNOR moved to adopt the resolution.

MR. ONORATO seconded the motion.

Which motion prevailed.

Mr. O'Connor:

And we have -- Mike McNaugh, do you want to tell us a little bit about the football game.

Mr. McNaugh:

I have some information I would like to hand to Council that describes the football and Camogie. We have a football match between the two teams from Pittsburgh, the Pittsburgh Celtics and the Pittsburgh St. Colm Cille. It will be occurring at 3:30 at South Park, the main fairgrounds there, and we wish to welcome you all and thank you for your help.

The Chair:

Thank you very much.

Mr. O'Connor:

I notice you did not offer to play Council's Gaelic team. Should we play them Sunday, guys, or --

Mr. McNaugh:

Sure, come on out, it's a pick-up game.

Mr. O'Connor:

And, Dennis Murphy, please come up and tell us about the picnic.

Mr. Murphy:

Yes, the Irish Day has really grown to be a celebration of Irish culture and heritage, and it is actually particularly with emphasis on the influence that the Irish have had in Western Pennsylvania, and it is a day that is really of interest to any nationality but it does highlight all of the steps and Gaelic dancing and it involves every Irish entertainer that performs in any of the three-county areas here in Western Pennsylvania as well as some guests from outside of the City. It begins with a mass and there is continuous entertainment throughout the day.

Besides the authentic Gaelic sports, there's a group of Irish lassies that are challenging in softball any lad of any nationality. So, if any of you gentlemen would like to come out you're welcome to do that.

We really appreciate the honor that you have given us, this being the 90th event sponsored by the Ancient Order of Hibernians County Board. So, we appreciate your recognition and also your support. Thank you.

The Chair:

Thank you very much.

Mr. O'Connor:

I think, Mike, you promised it wouldn't snow or anything for us?

Mr. McNaugh:

No snow. That's all worked out.

Mr. O'Connor:

Peggy, do you want to say a few words. Peggy is in charge of the P.R.

Ms. Philbin:

I look like I should be probably playing Irish basketball instead of football. But, no, I just want to welcome anyone to come out to the Irish Day Picnic, whether you are Irish or not, it is going to be a great day and a lot of fun and I can guarantee it will be warmer than it was on the St. Patrick's Day Parade day.

The Chair:

That's great. Thank you very, very much. Thank you all.

Councilman Gene Ricciardi.

Mr. Ricciardi:

To be read into the record, Mr. President.

The Chair:

Thank you, Mr. Ricciardi.

Mr. Ricciardi:

Thank you.

MR. RICCIARDI PRESENTS

No. 697 WHEREAS, Father Michael Salvagna was born and raised in New York City, attended Holy Cross Preparatory Seminary in Dunkirk, New York, and was ordained a priest on May 30, 1969 in Union City, New Jersey; and,

WHEREAS, in 1971, Father Mike was appointed vice-rector of St. Paul of the Cross Monastery and, in 1974, he moved to St. Paul of the Cross Retreat Center and became a member of the Retreat House team; and,

WHEREAS, in 1975, Father Mike, as a leader of the Pittsburgh charismatic movement, took part in the International Charismatic Convention held in the City of Rome, and in 1976, Father Mike was elected coordinator of the Word of the Cross Community; and,

WHEREAS, Father Michael Salvagna has always shown great love and devotion for the people of the South Side and the City of Pittsburgh. Among his accomplishments are

preaching missions and retreats, counseling and prayer for inner healing, co-host of a Christian talk show titled "Getting Together" on WPCB-TV, a radio segment on WEDO entitled "listen to His Love," and in 1983, production of a 4-part video cassette called "A Touch of Healing" which was used on closed circuit television in hospitals; and,

WHEREAS, 1994 marks the 25th Anniversary of Father Mike's ordination and will be celebrated with a Mass and reception on Sunday, June 12th at St. Paul of the Cross Monastery Church.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh hereby congratulates Father Michael Salvagna on the 25th Anniversary of his Ordination into Priesthood and thanks him for his years of service to St. Paul of the Cross Monastery and Retreat House, the South Side, and the City of Pittsburgh; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh declares Sunday, June 12th, 1994 as FATHER MICHAEL SALVAGNA DAY in the City of Pittsburgh.

MR. RICCIARDI moved to adopt the resolution.

MR. ONORATO seconded the motion.

Which motion prevailed.

MR. RICCIARDI PRESENTS

No. 698 WHEREAS, Monsignor Michael Poloway was born November 7, 1927 in Detroit, Michigan and received his early religious training as an alter boy at St. John the Baptist Ukrainian Catholic Church in Detroit and attended Ukrainian classes and religious instruction led by the Sister Servants of Mary Immaculate. He studied for the priesthood at St. Basil's College in Stamford, Connecticut, receiving a Bachelor of Arts Degree, and continued his studies at St. Josaphat's Seminary and Catholic University in Washington, D.C.; and

WHEREAS, on June 24, 1954, Monsignor Poloway was ordained to the Holy Priesthood at the Cathedral of the Immaculate Conception in Philadelphia and, shortly thereafter, received the dual assignment of assistant at the Cathedral in Philadelphia and secretary to the Archbishop of the chancery office. During the following 17 years, Monsignor Poloway held various positions, including Vice-chancellor and Chancellor of the Philadelphia Archdiocese, Papal Chamberlain, and first Administrator of the Sacred Heart Mission in the Fox Chase area of Philadelphia; and,

WHEREAS, to fulfill his desire to do pastoral work, Monsignor Poloway was assigned as pastor of St. Michael's Parish in Camden, New Jersey in 1965 and assumed the pastorship of St. John the Baptist Ukrainian Catholic Church in Pittsburgh on August 18, 1965, where he presently serves the needs of God's Church; and,

WHEREAS, on October 5, 1984, Pope John Paul II elevated Monsignor Michael Poloway to the Dignity of the Title of Honorary Prelate.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh hereby congratulates Monsignor Michael Poloway on the 40th Anniversary of his Ordination into the Priesthood and thanks him for his years of service to the Catholic Church, the parishioners of St. John the Baptist Ukrainian Catholic Church, and the people of the City of Pittsburgh; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh hereby declares Friday, June 24, 1994 as MONSIGNOR MICHAEL POLOWAY DAY in the City of Pittsburgh.

MR. RICCIARDI moved to adopt the resolution.

MR. ONORATO seconded the motion.

Which motion prevailed.

The Chair:

At this time I would like to call on Councilman Christopher Smith.

Mr. Smith:

Good morning, colleagues. As the Upshurs come forward, I would like to read into our official record, a resolution.

MR. SMITH PRESENTS

No. 678 WHEREAS, for more than 40 years, Reverend & Mrs. Charles Upshur, Administrator and Director of the Greater Love Outreach and Pastors of the Miracle Deliverance Church of God In Christ, have been reaching out and serving those in need; and

WHEREAS, their ministry is located on Fifth Avenue in the Uptown community of the City of Pittsburgh. Greater Love Outreach offers many services to the community, including a food pantry, shelter, a resources and referral department, drama workshops, a substance abuse program, and decentralized youth programs in the Hill District, North Side and St. Clair Village; and

WHEREAS, the Greater Love Outreach Ministry sponsors special programs as an organization, and also networks with other agencies in the community to achieve similar goals. The organization sponsors an annual Thanksgiving Dinner at the Fifth Avenue location in which more than 200 persons attended in 1993. Volunteers actively recruit persons to attend the Salvation Army's Annual Christmas Dinner, held at the major hotels in downtown Pittsburgh; and

WHEREAS, through hard work, dedication, commitment, and the joy of helping others in need, the Upshurs continue to be partners in many of the "Miracles on Fifth Avenue". Both have taken the tenets of their faith literally as they have fed the hungry, clothed the poor, and continue to join with others in the community who do the same; and

WHEREAS, on June 25, 1994, at 6:00 P.M., an Appreciation Dinner will be held at the Vista Hotel to honor Pastor Marie Upshur and Pastor Charles Upshur for extending a helping hand to families and individuals in need throughout the neighborhoods and communities of Pittsburgh.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Pittsburgh gives praise to Reverend and Mrs. Charles Upshur for providing humanitarian services to hundreds of citizens in the City of Pittsburgh, and declares Saturday, June 25, 1994 as CHARLES and MARIE UPSHUR DAY in the City of Pittsburgh.

MR. SMITH moved to adopt the resolution.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

Mr. Smith:

Thank you very much.

This is just a small token for the years of dedicated service that you have given to the community.

Rev. Upshur:

Thank you, Councilman Smith, and the entire City Council. Not that we need any more recognition that the work be recognized, that there are citizens out there trying to help the City of Pittsburgh become a better place to live, a more safer place, as we endeavor to continue to work with those who need help the most, working with cocaine addicts, and so forth, and endeavoring to see them relieved from their addiction and we have seen several throughout the year of 1994. So, thank you again for your recognition and God bless you real good.

The Chair:

Thank you. At this time I would ask our City Clerk to please read into the record a resolution for some Council District 9 event.

COUNCIL DISTRICT 9 PRESENTS

No. 699 WHEREAS, on Sunday, June 19, 1994 World Renowned Jazz Musician Ahmad Jamal will be honored and inducted into the Westinghouse High School Hall of Fame by the Westinghouse High School Alumni Association, Inc.; and

WHEREAS, Ahmad Jamal's picture will accompany the photographs of other luminaries who have attended "The House" and have achieved greatness like Errol Garner; and

WHEREAS, Mr. Jamal's awards through the years are too numerous to mention, let it suffice to note that he started performing at the age of three and was composing by the age of ten; and

WHEREAS, Ahmad Jamal's recordings are legendary and consist of releases on the following labels: CBS, Okeh, Epic, Chess, Checker, Argo,

ABC, MCA, 20th Century Fox, and his current company, Atlantic Records; and

WHEREAS, at the age of 61, Ahmad remains a vital force in the American and the international music scene and continues to perform to sold out audiences all over the world.

NOW, THEREFORE, BE IT RESOLVED, that the City of Pittsburgh recognizes The Westinghouse High School Alumni Association, Inc., for their continued efforts to raise the consciousness and the spirits of the Westinghouse High School students; and

BE IT FURTHER RESOLVED, that the City of Pittsburgh commends Mr. Ahmad Jamal for his contributions to the lives of all Pittsburghers and hereby proclaims Sunday, June 19, 1994 as Ahmad Jamal Day in the City of Pittsburgh.

MR. HERTZBERG moved to adopt the resolution.

MR. SMITH seconded the motion.

Which motion prevailed.

The Chair:

Thank you. At this time we will move directly into Presentation of Papers.

MR. COHEN PRESENTED

No. 700 Resolution providing for the letting of a contract or contracts or use of existing contracts for the furnishing and delivery of equipment for the Department of Public Safety, Bureau of Building Inspection at a cost not to exceed seventy-five thousand dollars ($75,000.00) chargeable to and payable from Bureau of Building Inspection Trust Fund (BBITF), Index Code 250233.

Which was read and referred to the Committee on Public Safety.

MR. COHEN moved to suspend Rule 8 by providing for consideration of the bill only until or after the 8th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

MR. ONORATO seconded the motion.

Which motion prevailed.

MR. COHEN FOR MR. CUSICK PRESENTED

No. 701 Resolution amending Resolution No. 917, effective August 30, 1990 entitled "Providing for a Contract or Contracts for the Installation of the Computerized Traffic - Responsive Traffic Control System in the Central Business District; providing for a Reimbursement Agreement with the Commonwealth of Pennsylvania, Department of Transportation; and providing for the payment of the cost thereof," by providing for an Agreement with Duquesne Light Company and reappropriating the funds.

Also,

No. 702 Resolution providing for a Contract or Contracts, or the use of existing Contracts for Street Tree Planting at various locations; and providing for payment of the cost thereof, cost not to exceed $100,000.00.

Which were severally read and referred to the Committee on Engineering and Construction.

MR. ONORATO PRESENTED

No. 703 Resolution authorizing an Amnesty Program for costs associated with overdue parking violations for parking in a street cleaning zone, Chapter 541.01 (c) (4), Pittsburgh Code; Meter Parking, Chapter 543.04, Pittsburgh Code; and Residential Permit Parking, Chapter 549, Pittsburgh Code.

Also,

No. 704 Resolution repealing that provision in the "Other Authorizations Section of the 1994 Budget which restored the right to receive City paid and City subsidized health insurance benefits for certain employees retiring on or after January 1, 1994, which had been previously deleted by Resolution No. 907, approved August 2, 1993.

Also,

No. 705 Resolution repealing Resolutions, approved on various dates, authorizing the sale of properties in various wards of the City of Pittsburgh, in accordance with Act No. 171 of 1984.

Also,

No. 706 Resolution providing for conveyance by the City of Pittsburgh or certain property, under Act No. 171 of 1984, entitled "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984.

Also,

No. 707 Resolution providing for the filing of a petition or petitions for the sale of certain property or properties acquired at tax sales in accordance with Act No. 171 of 1984, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984.

Which were severally read and referred to the Committee on Finance.

MR. RICCIARDI PRESENTED

No. 708 Resolution providing for the letting of a contract or contracts, or the use of existing contracts for various repairs and emergencies for the Department of Public Works, payable from Code Account 03-01-40-0040-94, Index Code 875625, Major Repairs and Emergencies, Department of Public Works, and for payment thereof.

Also,

No. 709 Resolution granting unto Northside Common Ministries with an address at P.O. Box 99861, Pittsburgh, Pennsylvania 15233, their successors and assigns the privilege and license to construct, maintain and use at their cost and expense, a concrete handicap ramp on a portion of the sidewalk area on Freedmore Street in the 25th Ward, 6th Council District of the City of Pittsburgh.

Which were severally read and referred to the Committee on Public Works.

MR. SMITH PRESENTED

No. 710 Resolution approving execution of a Contract for Disposition by sale of property by and between the Urban Redevelopment Authority of Pittsburgh and Manchester Citizens Corporation for the sale of Block and Lots 7-C-31, 7-C-32, and 7-C-33 in the 21st Ward of the City of Pittsburgh (RESIDENTIAL REHABILITATION)

Which was read and referred to the Committee on Planning, Housing & Development.

THE CHAIR PRESENTED

No. 711 An Ordinance amending the Pittsburgh Code, Title Nine, Zoning, by inserting "nursing home as a use by right in "RP" Residential Planned Unit Development Districts under Chapter 975.---(COUNCIL DISTRICT NO. 7)---(SPONSORED BY MR. FERLO)

Also,

No. 712 An Ordinance amending the Pittsburgh Code, Title Nine, Zoning, Article III, Chapter 921, Section 921.02, Zoning District Map No. 11, by changing from "S" Special District and "R1" One-Family Residence District to "RP" Residential Planned Unit Development District all that certain property bounded by Stanton Avenue, the "RP" zoning district boundary line located between Station Avenue and Rosecrest Drive north of Mossfield Street, Lot 202 Block 81-M in the Allegheny County Lot and Block System, Manorland Avenue, Lots Numbered 206, 208, 210, 212, 214, 216, 218, 220, 222, 228 and 10 Block 81-M in the aforesaid System, Somerville Street, and Unnamed way located between Somerville Street and Stanton Avenue, 10th Ward.---(COUNCIL DISTRICT NO. 7)---(SPONSORED BY MR. FERLO)

Which were severally read and referred to the Committee on Planning, Housing & Development.

MR. HERTZBERG moved to suspend Rule 8 by providing for consideration of the bill only until or after the 8th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

MR. SMITH seconded the motion.

Which motion prevailed.

The Chair:

Thank you. That concludes the Presentation of Papers.

Under Unfinished Business, are there any matters or reports of special committees to be brought before the body?

Hearing none, we will move directly into Reports of Committees.

REPORTS OF COMMITTEES

MR. ONORATO PRESENTED

Bill No. 713

Report of Committee on Finance for June 15, 1994 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 650

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Thompson Construction in the amount of $99,856.00 for final payment of work performed on the construction of EMS Station #10; and providing for the payment of the cost thereof."

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

The bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Ricciardi
Mr. Hertzberg	Mr. Smith
Mr. O'Connor	Mr. Ferlo
Mr. Onorato	(Pres't)

AYES 7 NOES none

And there being two-thirds of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 659

A Resolution entitled, "Resolution providing for the filing of a petition or petitions for the sale of certain property or properties, acquired at tax sales in accordance with Act No. 171 of 1984, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984."

Which was read.

Also,

Bill No. 660

A Resolution entitled, "Resolution authorizing the transfer of funds as invoices are submitted for the purchase of asphalt at a cost not to exceed Thirty Thousand ($30,000.00) Dollars from Code Account 03-01-40-0030-94, Index Code 875591, Asphalt Repairs, in the Department of Public Works to the Department of Public Works' Code Account AR, Index Code 250100, Asphalt Reimbursement Trust Fund."

Which was read.

Also,

Bill No. 680

A Resolution entitled, "Resolution providing for the transfer in the amount of Eighty-One Thousand Two Hundred and Fifty Dollars ($81,250.00) from Code Account 45, Index Code 004507, Health Insurance, to Code Account 53, Index Code 005306, Debt Service, Auditorium Authority of Pittsburgh and Allegheny County. (The purpose of this transfer is to pay the City of Pittsburgh share of the Auditorium Authority Debt Service on the 1978 Series C issue)."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Ricciardi
Mr. Hertzberg	Mr. Smith
Mr. O'Connor	Mr. Ferlo
Mr. Onorato	(Pres't)

AYES 7 NOES none

The bills having received the legally required number of votes are passed finally.

MR. RICCIARDI PRESENTED

Bill No. 714

Report of Committee on Public Works for June 15, 1994 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 618

A Resolution entitled, "Resolution providing for an Agreement between the City of Pittsburgh and Carnegie Mellon University, granting to Carnegie Mellon University the right to construct and maintain a building over a sewer line of the City of Pittsburgh on property owned by Carnegie Mellon University in the 14th Ward, 8th Council District of the City of Pittsburgh."---(AMENDED)

Which was read.

Also,

Bill No. 619

A Resolution entitled, "Resolution providing for a Contract or Contracts, or the use of existing Contracts for the design, lease purchase and installation of high pressure sodium street lighting for the Department of Public Works and providing for the payment of the cost thereof, at a cost not to exceed ($3,368.49)."

Which was read.

Also,

Bill No. 620.

A Resolution entitled, "Resolution changing the name of Ridgway Street to Arena Street between Ledlie Street and 552 feet in a southwesterly direction to a dead end terminus located in the 2nd and 3rd Wards, 6th Council District of the City of Pittsburgh."

Which was read.

Also,

Bill No. 621

A Resolution entitled, "Resolution granting unto Thomas R. Tripoli with an address at 20 South 14th Street, Pittsburgh, Pennsylvania 15203, his successors and assigns, the privilege and license to construct, maintain and use at his own cost and expense, a total of eight (8) trees placed approximately eight (8) feet from the curb in the dirt portion of the sidewalk area along South Ninth Street in the 17th Ward, 3rd Council District of the City of Pittsburgh."

Which was read.

Also,

Bill No. 622

A Resolution entitled, "Resolution granting unto Co-Go's with an address at 2589 Boyce Plaza Road, Pittsburgh, Pennsylvania 15241-3981, their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, a planter, seven (7) shrub beds and a chain and pipe railing in the 32nd Ward, 4th Council District of the City of Pittsburgh."

Which was read.

Also,

Bill No. 623

A Resolution entitled, "Resolution vacating Stock Street between Ollie Street and Commission Way in the 31st Ward, 5th Council District of the City of Pittsburgh.

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Chairman Ricciardi.

Mr. Ricciardi:

Thank you, Mr. President. I would like to make a motion to recommit Bill 618 on three accounts. First, a substitute bill was presented to this body shortly before this meeting, I don't believe that gives us enough time to properly review the bill; second, a few Council members brought up a good point last week, and that was, should we be approving this resolution without the agreement being written in place, and third, just as important as the first two accounts, is that the site in question, CMU, is in Councilman Cohen's district and he was unable to attend last week's meeting because of a blessing, an addition of a baby boy to his family, I would like to give Councilman Cohen more opportunity to review this bill.

Motion to recommit.

The Chair:

Is there a second?

MR. COHEN seconded the motion.

The Chair:

All in favor? The bill is recommitted.

WHICH MOTION PREVAILED.

The Chair:

Other matters?

Hearing no further discussion, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen Mr. Ricciardi
Mr. Hertzberg Mr. Smith
Mr. O'Connor Mr. Ferlo
Mr. Onorato (Pres't)

AYES 7 NOES none

The bills having received the legally required number of votes are passed finally.

MR. SMITH PRESENTED

Bill No. 715

Report of the Committee on Planning, Housing & Development for June 15, 1994 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 580

A Resolution entitled, "Resolution approving a conditional use exception under Section 993.01(a)A(54) of the Pittsburgh Code, Title Nine, Zoning Article V, Chapter 993, to the Stadium Authority for authorization to construct a new electronic message sign of 1200 sq. ft. on the roof of the Three Rivers Stadium above Gate "C" on property zoned "C6-B" Downtown Riverfront District B, 22nd Ward."

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Councilman Onorato.

Mr. Onorato:

I would like to have my comments brought forward on Bill 580 on the new and exciting Stadium Authority sign.

(REMARKS -- SEE ADDENDUM)

The Chair:

Any other discussion? Mr. O'Connor.

Mr. O'Connor:

I would just like my comments brought forward on 580.

(REMARKS -- SEE ADDENDUM)

The Chair:

Thank you.

Any other discussion? Mr. Smith.

Mr. Smith:

Yes. I am not going to support this because of the lack of willingness to limit the types of advertising that we will accept on this sign. I have no problem with advertising but I think that there are limitations that should have been imposed, and so it is with a sad heart that I have to go against my colleagues in not supporting what I think is a moral issue that affects the citizens City wide, and so my vote will be no.

The Chair:

Thank you. Any other comments?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen Mr. Ricciardi
Mr. Hertzberg
Mr. O'Connor
Mr. Onorato

AYES 5 NOES 2

VOTING NO:
Mr. Smith
Mr. Ferlo
Pres't)

The bill having received the legally required number of votes passed finally.

Also,

Bill No. 633

A Resolution entitled, "Resolution approving execution of a Contract for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and Commonwealth of Pennsylvania, Department of General Services, for the sale of parcel 4A in the Twenty-Seventh Ward of the City of Pittsburgh in Redevelopment Area No. 15, for the sum of $30,000.00. (CORRECTIONS INDUSTRY BUILDING)---(COUNCIL DISTRICT NO. 1)"

Which was read.

Also,

Bill No. 433

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Nine, Zoning, Article III, Chapter 921, Section 921.02, Zoning District Map No. 13, by changing from "S" Special District to "M3" Light Industrial District all that certain property bounded by Greeley Street, Eola Way, Scott Way and its center line projected in a northerly direction, and Lot 208 Block 12-R in the Allegheny County Block & Lot System, 16th Ward."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will

vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:
Ayes:

Mr. Cohen Mr. Ricciardi
Mr. Hertzberg Mr. Smith
Mr. O'Connor Mr. Ferlo
Mr. Onorato (Pres't)

AYES 7 NOES none

The bills having received the legally required number of votes are passed finally.

MR. O'CONNOR PRESENTED

Bill No. 716

Report of Committee on General Services for June 15, 1994 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 658

A Resolution entitled, "Resolution providing for approving a Transfer of Interests affecting the franchise of TCI of Pennsylvania, Inc. and authorizing Agreements to effectuate the City's approval.

Which was read.

Also,

Bill No. 661

A Resolution entitled, "Resolution providing for the letting of a Contract, or use of existing Contracts for fence repairs for the Department of Public Works, payable from Code Account 03-01-40-0070-94, Index Code 875773, Fence Repairs, Department of Public Works, and for payment thereof, cost not to exceed $30,000.00. ---(AS AMENDED)."

Which was read.

Also,

Bill No. 662

A Resolution entitled, "Resolution providing for the letting of a Contract or Contracts, or the use of existing Contracts for installation of picnic shelters with site amenities for the Department of Public Works, payable from Code Account 03-01-40-0080-94, Index Code 875740, erect non-permit pre-fab picnic shelters, Department of Public Works, and for payment thereof, cost not to exceed $30,000.00."

Which was read.

Also,

Bill No. 663

A Resolution entitled, "Resolution providing for the letting of a Contract or Contracts, or the use of existing Contracts for Concrete Repairs for the Department of Public Works, payable from Code Account 03-01-40-0050-94, Index Code 875658, Concrete Repairs, Department of Public Works, and for payment thereof, cost not to exceed $57,000.00.---(AS AMENDED)."

Which was read.

Also,

Bill No. 664

A Resolution entitled, "Resolution providing for the letting of a Contract or Contracts, or the use of existing Contracts for various repairs and emergencies for the Department of Public Works, payable from Code Account 03-01-40-0040-94, Index Code 875625, Major Repairs and Emergencies, Department of Public Works, and for payment thereof, cost not to exceed $60,000.00."

Which was read.

Also,

Bill No. 665

A Resolution entitled, "Resolution providing for the letting of a Contract or Contracts, or the use of existing Contracts for Safety Surface Installation for the Department of Public Works, payable from

Code Account 03-01-40-0054-94, Index Code 875682, Play Area Safety Improvements, Department of Public Works, and for payment thereof, cost not to exceed $290,000.00."
Which was read.

Also,

Bill No. 666

A Resolution entitled, "Resolution providing for the letting of a Contract or Contracts, or use of existing Contracts for Safety Surface Installation for the Department of Public Works, payable from Code Account 5-01-40-0054-94-515-94-01, Index Code 876029, Play Area Safety Improvements, Department of Public Works, and for payment thereof, cost not to exceed $100,000.00."

Which was read.

Also,

Bill No. 667

A Resolution entitled, "Resolution providing for the letting of a Contract or Contracts, or use of existing Contracts for Asphalt Repairs for the Department of Public Works, payable from Code Account 03-01-40-0030-94, Index Code 875591, Asphalt Repairs, Department of Public Works, and for payment thereof, cost not to exceed $61,000.00."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Mr. O'Connor.

Mr. O'Connor:

I would just like my comments brought forward on 658, please.

(REMARKS -- SEE ADDENDUM)

The Chair:

Thank you. Others?

Councilman Cohen.

Mr. Cohen:

Thank you, Mr. President. On Bill 658, regarding the merger between TCI and Liberty Media, I would just like to make a few comments because, as Mr. Ricciardi said, I was unable to last Wednesday.

This bill stems from -- or, our involvement in it stems from Section 425.23 of the Pittsburgh Code that says that TCI cannot sell or transfer more than three percent of the ownership of the company without our approval.

First of all, I just would like to say that I think that the City did an excellent job in following up their application with written questions several times, and particularly Mr. Ashley Schannauer, who came up here this morning to advise me on this, which I appreciate, and also David Wormser, I do think they did an excellent job following up with written questions and pressing TCI for more information.

I am not completely satisfied with what we received from TCI. Obviously TCI is merging with Liberty Media to make money and they are going to be doing it at the expense of the customers, of cable customers. I also think that it does potentially expand their monopoly, not horizontally but vertically. Liberty Media produces programming, TCI buys programming. So, there is a potential there for increasing the final rate to the customer.

But, realistically, Mr. President, and I think this was brought up last Wednesday, we can't stop this merger, I understand that. Both our in-house lawyers, including Mr. Schannauer, and also our outside consultant, David Wormser, tell us that if we did vote to stop the merger -- and it is a national merger, it is not locally -- we would just end up in court, and frankly, we would probably lose, because the section of the Code that focuses on this really says that we can only hold up a transfer or a sale or a merger, if the company is not financially solvent or if executives or personnel from the company have been convicted of crimes, crimes of deceit, fraud or moral turpitude, I think is the terminology. Obviously TCI is financially solvent because they have been squeezing the customer for the last several years, and as far as

we know nobody has been convicted of any crimes. So, I do not think that it is in the best interest of the taxpayer to hold this up.

The other aspect, as I mentioned, is that it is a national merger. Both the FCC and the Justice Department have approved it. The FCC, under the Cable Act of 1992, has provisions for this type of merger, and it does say that the programming that is provided by Liberty Media cannot increase beyond the inflation rate. So that is some protection. Also, the Justice Department did agree -- or, did require TCI in a Consent Order to not engage with anti-competitive practices. So that is another protection. I do not know if that will ultimately protect us, but I think that we have to leave it to the national agencies to do that.

So, my recommendation is that we approve this but at the same time focus on what we really can and what our power is and that is to keep the heat on for rate regulation and that will continue. We are going to have an evidentiary hearing and be able to respond to TCI's new rates, and that is the best way I think that we can keep rates down, Mr. President.

The Chair:

Thank you very much. Other comments?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen Mr. Ricciardi
Mr. Hertzberg Mr. Smith
Mr. O'Connor Mr. Ferlo
Mr. Onorato (Pres't)

AYES 7 NOES none

The bills having received the legally required number of votes passed finally.

MR. HERTZBERG FOR MR. CUSICK PRESENTED

Bill No. 717

Report of Committee on Engineering & Construction for June 15, 1994 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 652

A Resolution entitled, "Resolution amending Resolution #226, effective April 6, 1989, entitled, "Providing for a Cooperation Agreement or Agreements with Carnegie Library in connection with a Feasibility Study for Carnegie Master Program Study at the Branch Libraries; and providing for the payment of the cost thereof." by amending the title to read "Renovations to Carnegie Libraries".

Which was read.

Also,

Bill No. 653

A Resolution entitled, "Resolution amending Resolution #188, effective March 30, 1989, entitled "Providing for a Contract or Contracts, or use of existing Contracts, for construction of the Southside Riverfront Restrooms; and providing for the payment of the cost thereof," by amending the title and by increasing the total project allocation by $100,000.00, from $175,000.00 to $275,000.00."

Which was read.

Also,

Bill No. 656

A Resolution entitled, "Resolution amending Resolution #1455, effective January 1, 1994, entitled "Adopting and Approving the 1994 Capital Budget and the 1994 Community Development Block Grant Program; and approving the 1994 through 1999 Capital Improvement Program," by amending the title of EC94-129, Southside Riverfront Park Site Improvements and by amending the funding from $175,000.00 RIRA to $50,000.00 City and $100,000.00 to RIRA."

Which was read.

Also,

Bill No. 657

A Resolution entitled, "Resolution providing for the creation of a special trust fund to be known as the "Southside Riverfront Improvements Trust Fund" for the deposit of funds to be used for the Expansion and Improvement of the Southside Riverfront site."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Ricciardi
Mr. Hertzberg	Mr. Smith
Mr. O'Connor	Mr. Ferlo
Mr. Onorato	(Pres't)

AYES 7 NOES none

The bills having received the legally required number of votes are passed finally.

The Chair:

That concludes our Reports of Committees.

MOTIONS AND RESOLUTIONS

The Chair:

At this time, under Motions and Resolutions, we need a motion to excuse the absent member, by the way.

Mr. Hertzberg:

So moved.

MR. O'CONNOR seconded the motion.

The Chair:

It has been moved and seconded. All in favor?

WHICH MOTION PREVAILED.

The Chair:

Mr. Smith and Mr. Onorato.

Mr. Smith:

Yes, colleagues, I received a phone call from the 9th Council District regarding a problem that they perceive in terms of our regional willingness to share information. The Borough of Wilkinsburg, along Robinson Boulevard has held a public hearing last night regarding an Enviro Test Center, which is this mammoth center for emissions monitoring throughout the state. The problem I perceive is that the City has not been a part of these negotiations. We are directly across the street from this site, though legally not bound, we have not been active participants in this zoning and so forth, while it impacts our entire East Hills community.

I am asking that my colleagues send a letter with me to the Mayor to make it a high priority that all of his staff become involved, based on traffic, the size of the project and the impact that it will have on a City residential community.

I do not know how large the site is, I do not know how many cars. It is estimated -- someone told me there would be some 250,000 cars coming to be tested at this site. I think that we need to become aggressive. This district is not represented by anyone presently, it is an issue that affects the City and the quality of life in the City, and I am asking that we send a letter informing the Administration that this is presently going on and to encourage them to participate in any talks or negotiations with the Borough of Wilkinsburg, this company and any community group that shows an interest in this particular project.

MR. RICCIARDI seconded the motion.

The Chair:

Mr. O'Connor, on this.

Mr. O'Connor:

I would second that. My son goes to school at East Hills, so I am very familiar with the area. And, I think you bring up a good point, and possibly our planning might -- if they would ask our planning, I think it is a good idea that we get involved in the spirit of cooperation. Hopefully it is a good thing for the area but I think that we have to be very cautious, as you said, that it is the right thing for the area.

Mr. Smith:

Well, the other area they are contemplating is Lawrenceville.

The Chair:

No, that is already decided.

Mr. Smith:

Is it? Okay.

Mr. O'Connor:

Well, it is really a blighted shopping center, I mean it needs something.

Mr. Smith:

Well, that is not where it is going.

Mr. O'Connor:

I thought it was going in or near the shopping center. Where is it going?

Mr. Smith:

It is going across the Robinson Boulevard at Douglas.

Mr. O'Connor:

Well, what is there now?

Mr. Smith:

An abandoned factory site.

The Chair:

But, again, I think the sense of your resolution is that we ask the Mayor and the Planning Department to review the impact detrimental, if any, to the City residents and/or businesses.

Mr. Smith:

Yes.

The Chair:

I think we should be clear on what we are asking now. Right, is that it?

Mr. Smith:

That is what I am asking for. I just want the citizens to be informed. I think that for future growth along our boarders, we all need to be more proactive, more regional, as I have been accused of not being regional. So, I think that it is important that we start fostering it with our closest neighbors.

The Chair:

Other discussion on the motion?

Hearing none, roll call vote.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Ricciardi
Mr. Hertzberg	Mr. Smith
Mr. O'Connor	Mr. Ferlo
Mr. Onorato	(Pres't)

WHICH MOTION PREVAILED.

The Chair:

The motion carries. We will communicate to the Mayor.

Other comments? Mr. Onorato, under Motions and Resolutions.

Mr. Onorato:

Mr. President, and colleagues, you might recall last Tuesday I asked for a resolution where we would send a letter to Mr. Trefz at the Alcosan facility because of problems we have had on the North Side. Well, the following day I received a letter at my house, and I found out that he already responded with 5,500 letters to the Brighton Heights area of the City. I would like to read the letter just so my colleagues and the people listening could hear what went on down there and why I have concerns every time we expand this plant.

"Dear Neighbor: Several of you have called to express concern regarding the strong odors from Alcosan over the past several weeks. The following information provides an understanding of why the odors have occurred and steps Alcosan has taken to correct the problem.

"The number one reason for the odors is the high amount of sludge, called a sludge bucket, that has accrued in the primary sedimentation treatment tanks. Alcosan generates up to 440 wet tons of sludge daily. If the sludge remains in the tanks it turns septic, thereby creating the sulfur odor residents have detected.

"The high sludge blanket was a result of several equipment malfunctions. A leak developed in a steam conduit associated with the incinerator. Incineration was discontinued to make repairs. Subsequently a sludge pump malfunction occurred due to steel debris preventing its operation and restricting the feed of sludge for incineration. These were all unforeseen problems.

"The sludge disposal was further hampered by landfills closed for the holidays. In addition, weather conditions intensified the detection of odors. Hot and humid weather conditions seal in the odors preventing dissipation.

"How is the problem being corrected and when will the odors end? Alcosan has hired contractors to supplement its in-house hauling capabilities to remove the excess sludge. The mechanical malfunctions have been corrected. The new incinerators continue to perform well in their role of eliminating odors from the wet well. The incinerator is at full capacity. Three hundred wet tons of sludge is incinerated daily. It is anticipated that it will take up to two weeks to completely remove the sludge backlog; however, residents should notice a sharp decrease in odors long before then.

"Long term solutions to address last point odor sources, including the treatment tanks, is being examined through the Odor Control Program just underway. Currently studies are being conducted to analyze the frequency and intensity of odors, detection points and how the odors are generated. Residents will be receiving information on the program and

Alcosan plans to host an open house so that residents may examine operations firsthand.

"In the meantime, your calls are important to us, so please continue to notify us if you detect odors.

"If you would like a free poster of plant operations to gain a better understanding of the step by step Alcosan and waste water treatment process, please call 734-8353."

Well, I am not too concerned about the free poster, Mr. President, but I am concerned about just minor malfunctions and the results that happened on the North Side, and we are looking at a facility that is in the process of expanding. We hear about the Odor Control Program but those programs have been going on for the last 40 years and this is another $42,000,000.00 Odor Control Program just underway. Everyone can recall last year I voted "no" of bringing on, I think it was Penn Hills at the time, not because I did not want to participate with Penn Hills, I am still concerned that Alcosan is in the wrong place, I still think there should be a different facility located somewhere else for future expansion.

I should point out that I received calls from residents from McKees Rocks, outside of the City, to inform me that the wind blows their way once in a while, too, it is not just a Brighton Heights problem, and they are absolutely right. As I mentioned last week, this wasn't just Brighton Heights, it hits Manchester, it hits Observatory Hill, Perry South and it continues to move.

My concern is that I am wondering if we are going to destroy entire neighborhoods. Quality of

life is in jeopardy. I can tell you just last night -- "seal in the odors preventing dissipation" -- I was at a neighbor's pool last night with my children and I can tell you the smell was still there, and I am not a home very close to the facility like some of the -- or, the majority of the neighbors of this neighborhood.

I am not happy with the letter, it explains what happened, but to say that landfills were closed on a holiday, you just took 5,000 to 10,000 people and they had to suffer through the holiday because there were landfills closed, the way I read this.

Something has to be taken into consideration here, and I would ask this body, before we vote to expand this plant any further, that we have the odor problem under control. And, as far as I am concerned, it is not under control at this point. I hope the $42,000,000.00 program does work but I am very skeptical of it, along with the neighbors of the North Side because we have been down this road many times before.

The Chair:

Thank you, Mr. Onorato. Other comments?

I would like to ask the special committee, I want to get through this Pirate vote this week, we have the bill coming up for further debate, discussion, preliminary vote on Wednesday, there are a few outstanding issues that were raised by Mr. O'Connor and Mr. Cohen as well as additional information that was requested. It was hard to negotiate with all the body at the meeting on Wednesday. I would like to ask that Mr. O'Connor chair just a very quick subcommittee with Mr. Cohen and Mr. Onorato, Mr. Onorato, since he is Finance Chairman and also sits on the Stadium Authority, and that the three of you communicate directly with the Administration and with the Pirate Organization regarding some of the issues that were raised at the table, so that we can try to facilitate some closure on the issues that were raised, both in terms of extending the time period past the nine months that were negotiated by the Administration board issues. I believe very clearly that Mayor Murphy and the previous Mayor had never voted on that board and that needs to be resolved. I know for a fact that Sophie had no vote on the board. Now, unless something changed in the last few weeks that I am not aware of, I do not believe the Mayor initially had a vote either. So, those are some of the issues we want to resolve. And, also any information -- if we could have the Clerk review the record yesterday -- any information that any colleague asked in terms of further information, be at the table Wednesday, if you could please review that.

But, if this three committee, Mr. O'Connor, if you could work this out and negotiate for us and communicate back to us on Wednesday.

Mr. O'Connor:

We will try to meet this afternoon.

The Chair:

Mr. Cohen.

Mr. Cohen:

Mr. President, thank you for the appointment to the committee. I do think and I expressed this yesterday, I do think that it would be a mistake to vote on this before we receive the terms of the lease. I don't want to --

The Chair:

My only point is --

Mr. Cohen:

Let me just finish, if I may.

I do not in any way want to hold this up. If the vote is tomorrow, that's fine, but we have to receive the terms of the loan, the actual loan document itself, before we can vote on it. I think that is very appropriate. Many people, including myself, ask what is the payback formula and a lot of other terms in that loan document, without that I don't see how we can vote.

The Chair:

I understand that. So, one of the things I would like this committee to do is make sure all the information is available, so we are not further delaying the process.

So, if there is going to be a delay, it is not going to be because of this legislative body, that's my point.

Mr. Cohen:

Right.

The Chair:

So, any other comments? Any other discussion or points to be brought up before the body?

We need a motion to approve the minutes, a very important issue.

Mr. Hertzberg:

So moved.

MR. COHEN seconded the motion.

WHICH MOTION PREVAILED.

And on the motion of MR. COHEN

Council adjourned.

(MESSRS. ONORATO & O'CONNOR'S COMMENTS ON BILL NO. 580)
(Wednesday, June 15, 1994)

Mr. O'Connor:

I agree with Mr. Smith, but I don't know that legally we can do that. So therefore I am supporting you.
Refresh our memory. Regulations, after midnight the sign won't be on or flashing? Are there time limits?

Mr. Schneider:

Actually I think we put on record last week at the public hearing that the hours of operation that we proposed, both in terms of market and the board's policy, is 6:00 in the morning to 12:00 midnight.

Mr. O'Connor:

So there wouldn't be anything after midnight?

Mr. Schneider:

That is correct.

Mr. O'Connor:

Have you found out, do you have any better figures of what you think the revenue will come out of there?

Mr. Schneider:

Conservatively we think we can gross around $250,000.00 a year. We are hoping to do a lot better.

Mr. O'Connor:

Where does that 250 go; in the upkeep of the Stadium?

Mr. Schneider:

Right now under present arrangements we split the revenue on the signage -- correct me if I am wrong, Jim -- a third, a third, a third; a third to the Stadium Authority -- after we repay costs -- a third to the Pirates and a third to the Steelers.
Again, as you can see from the policies we are trying to enact over there, we are trying to increase those outside revenues because, again, they are small market teams and we need to maximize any source of revenue we can get not only for the Authority, but for the two teams.

Mr. O'Connor:

For people listening, you are looking for four or five major corporations that they will be on every 15 minutes?

Mr. Schneider:

Right. I think we have an actual schedule of what we think we could sell in the marketplace and we would try to get five major corporate underwriters, hopefully local corporations who not only would obviously get their name up on the marquee, but help sponsor the public service announcements that would announce neighborhood events and events at the Stadium and other civic and city events.

Mr. O'Connor:

What is the time schedule, say, for the corporate marketing advertiser versus the Great Race, whatever? Is it a 50/50 split?

Mr. Schneider:

I am not sure I have the actual breakdown, but it will be provided to Council. It is not a 50/50 split, it is really about two-thirds would be Stadium events and civic advertisements and one-third would be corporate underwriting sponsors.

Mr. O'Connor:

So if two-thirds are Stadium events, one-third the market, where is the civic?

Mr. Schneider:

I think the breakdown is two-thirds, one-third would be Stadium/sports teams, special events, one-third would be PSA's, which would be civic, neighborhood and other kinds of events that bring people to the city, and a third would be corporate underwriting or advertising.

Mr. O'Connor:

That is probably the reason why you are not getting more money. I am sure if it was 100 percent advertising, you would get a lot more money.

Mr. Schneider:

Yes. We could, obviously, sell 100 percent, but we don't think that fits in. We are trying to balance the need for

revenue with trying to create something that is aesthetically pleasing on the top of the Stadium, as opposed to what is there now, as well as provide additional information to out-of-towners and tourists and local residents about the kinds of things that are going on in the city.

Mr. O'Connor:

You have given us all a pretty even split, I think?

Mr. Schneider:

We are trying. Obviously, it would be great if we could do everything and make a million dollars.

Mr. O'Connor:

Now I see why you are only getting 250. I didn't realize that one-third. I support you.

Mr. Onorato:

Any other questions? Let me state that I share Councilman Smith's and Councilman Ferlo's concern about the content, I just disagree on how to possibly control it. I am more concerned and I am pleased with the fact that the sign that is there now generates zero revenue and that this sign will be generating at a minimum or our estimates are $250,000.00, hopefully more down the road. I think that is obviously a step in the right direction.

We are taking an area where we are now going to generate money, and everybody knows the problems dealing with the Stadium in general and money is a big issue. Any way we can relieve a tax burden from the residents of the City of Pittsburgh I am in favor of as long as we are meeting the aesthetic approval of the Planning Commission and of the Art Commission of what is going up there.

The content, obviously I don't think we should have any control over the content, that is my personal view. I am in favor of the sign the way it is now.

(Deleted text.)

Mr. Onorato:

Let me clarify my point that any economics course 101 tells you that if you bring in additional revenue, it is a help. And since the city is bearing the burden of that facility, $250,000.00 are going to be a benefit of the taxpayers, regardless of, one, either we reduce what we are paying now or we decrease what the increase in expenditures might have been next year. It is additional revenue, it is a plus to the city,

and that was my point I was making.

(END OF REMARKS.)
Transcribed by: Helen L. Kriebel
Stenotype Reporter

(MR. O'CONNOR'S COMMENTS ON BILL NO. 658-Wednesday, 6/15/94)

Mr. O'Connor:

While we are on the subject of mergers, the City of Pittsburgh I think and its people have a very distrust for mergers and buy-outs from the '80's, nothing to do with this, but simply we have probably held the short end of the stick in the last 10 or 15 years of all these mergers.

So what you are saying, by bringing Liberty here as a hub certainly will benefit us, as far as employees. Where is Liberty now?

Mr. McGorry:

I should clarify, this merger is a merger of the parenting companies of TCI of Pennsylvania. Telecommunications, Inc., of Denver, Colorado is the parenting company of TCI of Pennsylvania. In 1991 the industry had anticipated that federal legislation which resulted in the '92 Cable Act would prohibit companies from certain vertical integration, in other words, owning programming services as well as distribution. At that time the company had an arm called Liberty that owned a substantial interest in a lot of the programming services; the channels such as Encore, Express Exchange, American Movie Classics, Black Entertainment Television. In anticipation of that legislation, the company spun those interests off to its own share holders and established a new company called Liberty Media Corporation. In 1992 the Cable Act passed and the Cable Act established measures that would allow for those relationships to exist and also establish safeguards to protect the consumers against any advantages the companies would be able to use from those vertical and horizontal relationships.

So the reason for the separation of the two entities in 1991 no longer exists, so to take advantage of cost efficiencies of operating as one unit, we are only attempting to re-merge the two companies that were one only three years ago.

Mr. O'Connor:

We talk about cost efficiency. It is good for you to have cost efficiency, and whether you pass it to us is another story. Where is Liberty's headquarters now?

Mr. McGorry:

Liberty's headquarters is in Cheyenne, Wyoming. Ultimately the new company, TCI/Liberty holding company, will be housed in Denver, Colorado.

Mr. O'Connor:

Is there a regional Liberty here?

Mr. McGorry:

No. TCI is a subsidiary, and what Deborah was referring to as a regional hub site, we hope to be. Well, we have been designated as a regional service site for the entire Western Pennsylvania region, that happened last year. We would like to expand our assignment to include a greater region than just Western Pennsylvania, but that would be other subsidiaries of TCI/Liberty holding, TCI Cablevision of Ohio, TCI of West Virginia, et cetera.

Mr. O'Connor:

You are saying Pittsburgh may be in competition for the western part of the three states?

Mr. McGorry:

Well, if the trend of the industry continues, we would see ourselves in competition for establishment as a regional hub site, regional service center for much of the eastern United States.

Mr. O'Connor:

There is no guarantee you are going in that direction?

Mr. McGorry:

We are working very hard to establish ourselves as a credible player to the company and to the executive team of the corporation.

Mr. O'Connor:

Right now what jobs -- this isn't going to create any jobs?

Mr. McGorry:

Absolutely. We have expanded --

Mr. O'Connor:

She is saying no; you are saying yes.

Mr. McGorry:

The TCI/Liberty merger itself would not create any more

jobs, no. That will not change the organization structure or our commitments to the city at all with regard to TCI of Pennsylvania; TCI/Liberty merger will not.

Mr. O'Connor:

Do you have a long-range business plan we could see?

Mr. McGorry:

We submitted in the documents pro forma statements that have been submitted to the FCC and the SCC with regard to TCI and Liberty Media. In this industry our long-range business plans are over the next few months, because the regulatory environment changes so often and now new competitors seem to be expressing a desire to enter the market quickly, those long-range plans are difficult to identify.

Mr. O'Connor:

Let me get to the question probably the residents of the City of Pittsburgh are most interested.
How is this going to affect our programming?

Mr. McGorry:

Not at all, no affect.

Mr. O'Connor:

No additional programs?

Mr. McGorry:

No.

Mr. O'Connor:

You mentioned like they had Black Entertainment. Would that be more available to us? It is now anyhow.

Mr. McGorry:

It is now. Again, the former shareholders of TCI, now the shareholders of Liberty, the board of directors of TCI, many of those same people are on the board of directors of Liberty. Those programming interests have not been dictated to us at this level. For instance, we have substantial programming interests on the Liberty end in a service called Video Jukebox; yet, we have not really seen a market or a demand for that service here in this market, so we are not carrying it and the corporate entity doesn't obligate us to carry it.

Naturally the FCC laws do allow for certain advantages of ownership in terms of pricing, but availability to our competitors is mandated and ensured by the Cable Act and again by the FCC rules.

Mr. O'Connor:

When you say "availability to competitors," explain it. In other words, if I have a TV station -- the only person I am thinking of is Eddy Edwards, I know him personally, he has a couple stations. You have to be available to him at a reasonable price?

Mr. McGorry:

I guess the better example is KBL Sports Network, which is a subsidiary of Liberty Media. We cannot have an exclusive carriage arrangement with them because of our relationship. We have to make that programming service available to our competitors, both satellite dish vendors, wireless cable and any would-be competitor that may enter the market, whether it be the phone company or another cable company.

Mr. O'Connor:

If you want to come in with another sports channel, you can't charge us more than you would KBL?

Mr. McGorry:

There are guidelines on the terms and conditions that we can offer, and they can't be discriminatory.

Mr. O'Connor:

Is that what I see? We have a report here from the U.S. Justice Department. They are saying they basically consent to this merger, but they are concerned about anti-competitive practices and measures in here, safeguards?

Mr. McGorry:

That is correct.

Mr. O'Connor:

I am not an attorney, but you are comfortable with these?

Ms. Miskovich:

Yes, Councilman. Councilman O'Connor, on your issue of programming, we looked at that issue. That is a very good point

to raise. We looked at it, though, not just from what we expect what may be practical, but theoretically what could happen with this merger and how it could impact on programming. With your permission, what I would suggest is that perhaps you would hear from both Mr. Wormser and from Mr. Schannauer on what our concerns were, as well, with your permission.

Mr. O'Connor:

You are going to describe to us the programming?

Mr. Wormser:

Just to elaborate a little on what Mr. McGorry said about the effect on programming in the City of Pittsburgh, you would expect that when two companies affiliate and one is a supplier of programming and another is a deliverer of cable services, that there would be a natural tendency to use more of the cable programming from the affiliated supplier. It is an issue that we looked at and an issue that we were a bit concerned about. We concluded that it wasn't that big an issue, at least practically, largely for the reasons Mr. McGorry was saying. But you should be aware that there is a theoretical issue here that there would be a tendency on the part of TCI of Pittsburgh to acquire affiliated programming which will at least theoretically raise the possibility that other programming won't be available to those subscribers in Pittsburgh. There are limitations on that. The FCC has imposed rules that limit TCI, that limit them by requiring that they devote no more than 40 percent of their active channels to affiliated programmers. But to the extent they have room at the moment to increase the amount of Liberty originated programming, you may find that your programming switches over the long term.

Mr. O'Connor:

How much capacity do we have? I pay about 45 a month, I don't know how many channels I have, but can I expect -- are we going to have in the future -- they say we would have 100, 200 programs, or would it take a whole revamping?

Mr. McGorry:

The current system in the City of Pittsburgh has reached pretty much its potential in terms of channel capacity. We do have a few available spaces, and those spaces, as you might expect, are precious resources for us. It is our desire, our plan, and we announced that plan last April to completely rebuild our entire cable communications system in Western Pennsylvania, and that would include the City of Pittsburgh. We have not formally or officially notified the City of our intent to do that. We are hoping that this issue and the rate

regulation issue can be addressed and we can get on with our desire to implement that plan, as well.

Mr. O'Connor:

I will give you two scenarios, then. If we are almost full and there is a demand, you certainly can charge the program people more?

Mr. McGorry:

Well, the programming people, we buy most of the programming, with the exception of leased access programming or info-mercial programming and shopping programs. We pay the programmers for the privilege of carrying their service on our cable lineup.

Mr. O'Connor:

You pay the shopping program?

Mr. McGorry:

With the exception of shopping. We pay for ESPN, MTV, TNT, USA Network.

Mr. O'Connor:

How about KBL and shopping?

Mr. McGorry:

Yes. We do not pay for shopping channels, we do pay for KBL.

Mr. O'Connor:

Why, when the demand is tighter and the competition comes in, why would we be paying them? You should be paying less. Is there a benefit to you and do you pass it on to us, the residents?

Mr. McGorry:

The carriage of channels on the basic and expanded basic levels are now regulated by the FCC rules and regulations pursuant to the Cable Act, so any benefit to the company for adding a particular channel falls under the regulation umbrella, and any benefit that is passed on to the customer. For instance, under the new rules if we experienced a decrease in programming costs, we are obligated to pass that decrease on to the customer at the basic and expanded basic levels.

So again, to find a single example, if one of our programming vendors were to reduce its rates, perhaps due to losing a contract with a major programmer, NFL football or major league baseball, something like that, they may reduce their rates to ensure continued carriage, and we would have to pass that reduction on to the consumer.

Mr. O'Connor:

On this Pay-Per-View, my kids brought wrestling, $30.00. How much do you make on that?

Mr. McGorry:

Typically the Pay-Per-View providers and promoters are on a 50 percent share, but that is just for license fees, and then anything else in terms of administrative costs, advertising, that is outside the 50 percent mark-up.

Mr. O'Connor:

A big major fight, say, that everybody is going to watch and pay for.

Mr. McGorry:

Typically anywhere from 50 to 60 percent is the license fee. The remaining portion is our money to cover our costs and hopefully to earn some money on.

Mr. O'Connor:

Hopefully you earn a lot of money.

Mr. McGorry:

Well, we have been successful on a few. Our initial entry into the Pay-Per-View market was not as successful as we would like it to be, because there are a lot of administrative costs, burdens. Typically those events are on in the evening or late at night and we have to staff overtime hours to support those events.

Mr. O'Connor:

But as those events get more popular, you make more money, you are in business to make money, does that affect us? If you make a big hit on a big fight, does that affect our rates?

Mr. McGorry:

No, that does not affect at all the rates for basic or expanded basic service, any of the regulated services. In does, certainly, increase the share of franchise fees that we would pay to the city.

Mr. O'Connor:

My next question is, all this, how does it affect our rates, city residents' rates, all these merges? You are telling me as you make more money, we still don't see a benefit.

Mr. McGorry:

Maybe as an example I could point out that Congress commissioned the FCC as part of the Cable Act to study the migration of popular programming, particular sports programming like the Super Bowl or the World Series, from either broadcast TV or regulated cable service to Pay-Per-View. The FCC concluded that that had not, in fact, occurred. So advertisers that pay to have their commercials run on broadcast TV are still going to do that for events like the Super Bowl, All Star Game, et cetera, and maybe lesser big events that are now on cable are still on there.

So I think the Pay-Per-View business is something that we want to grow our business forward and hopefully return the investment that we are attempting to make here in this marketplace.

The full service network that we are attempting to construct here would have the channel capacity to greatly enhance the choice of the viewer: Video on demand, ordering movie from a library of movies similar to a videotape rental house and have the movie at your convenience in your leisure in your home. So yes, we hope to make money on that and we hope to return an investment in the new system.

Mr. O'Connor:

That is what I was looking for. The return investment should benefit all of us. But as you expand -- you are almost full and you are ready to double or triple -- do we have to pay for that or do you have that money? In other words, do you have to change my box at home, do all these things to expand your programming?

Mr. McGorry:

We have taken a position all along that our new venture and the construction of our new network will be paid for with new business ventures, new opportunities, new technologies, new application of technology.

Mr. O'Connor:

You will not come back next year and say, "We want to double your capability, and to put new installation in" it will cost me $20.00?

Mr. McGorry:

In a regulated environment you would certainly have the review of any proposal like that. And the FCC has established the regulatory guidelines and the city has certified to enact their right and privilege to regulate those service levels.

Mr. O'Connor:

My last question, again, the city residents want to know, the main thing besides programming would be rates. If we approve this today, what rate effect is it going to have on our taxpayers and our residents tomorrow?

Mr. McGorry:

This will not have any immediate impact or direct impact on the rate base to the subscriber.

Mr. O'Connor:

Now or in the future?

Mr. McGorry:

In the future, as alluded to, we hope to enjoy some efficiencies created by the combination of the two companies, and those efficiencies occur in overhead and things like that. Naturally, those things are factored into calculating our cost of doing business. So indirectly in the future, we hope to enjoy some benefits, and if we enjoy some benefits, our consumers will, as well.

Directly related to this merger, it really will not make a difference to the consumer tomorrow.

Mr. O'Connor:

If anything, we should have a benefit down the road, and you are also talking about more potential expansion of more employees here.

Mr. McGorry:

That is correct.

Mr. O'Connor:

Dave, will you as our paid consultant agree with that, disagree?

Mr. Wormser:

I agree with Mr. McGorry that the TCI/Liberty merger will have no direct benefit to subscribers in the form of rates certainly in the near term. Over the long term, at least the way the current regulations are structured, while TCI may find it in the best interest in a business matter to pass along savings to subscribers, there will be no requirement that they do so. I wouldn't expect that the merger would harm subscribers in the form of additional rates in the near term. There is an FCC regulation that prohibits TCI from raising rates for programming from affiliated suppliers by more than the rate of inflation. So TCI is limited in its ability to jack-up the price for Liberty programming in order to enrich itself.

Over the longer term, it depends on what sort of rules the FCC implements to deal with the expansion of networks to 500 channels and how they go about protecting subscribers. In the last couple of weeks the Chairman of the FCC has indicated an intention to adopt some new regulations that will encourage further expansion and take away some of the pain and agony that cable companies have suffered at the hands of the FCC's recent regulations. What those moves will look like and how they will affect subscribers and how ultimately the affiliation of TCI with the cable program supplier is going to factor into that is anybody's guess at this point.

But at this moment, the competitive concerns, the rate concerns, don't seem to be anything more than remote theory. On that basis, we see no particular reason to disapprove of the merger.

Mr. O'Connor:

So our residents have no problem? They will not pay for any more?

Mr. Wormser:

Your residents have no problem that we can identify under the current regulations.

Mr. O'Connor:

In this anti-trust bill as far as competition and that, TCI basically has a monopoly here. How feasible is it for someone else to come in? Not that it has to happen.

Mr. Wormser:

The expectation is that others are coming in and will come in, the real question is how long it will take. There are other technologies that don't require wires under the street, direct broadcast satellite, something called "MMDS," millimeter microwave distribution services, that can deliver multiple channels of programming. Bell Atlantic has announced its intention to get into the video market, first video dialtone providing access to other people's video services and ultimately its own programming in competition with TCI. There are other technologies on the way that will ultimately result in competition. It really is a matter of how long it will take. It will not be there tomorrow or the next day. But just as Bell Atlantic is facing competition in what was once a complete monopoly for local telephone service, competition, it will ultimately come. Moves like the consent decree and the statute, the Cable Act of 1992 and the regulations implementing that statute, are intended to make competition more feasible by making programming available to competitive suppliers of cable services.

Mr. O'Connor:

Competition is coming?

Mr. Wormser:

Whether it will be here next year, next century --

Mr. O'Connor:

We are not sure if it will be better or cheaper, we are just saying --

Mr. Wormser:

The theory is if it isn't better or cheaper, then it won't have an impact as a competitor, it won't find a hole in the market. Generally the expectation on the part of free market economists and at this point Congress under the 1992 Cable Act is that competition will cause everybody involved in the market to be more efficient and to reduce their prices to the lowest level possible in order to gain market share.

Mr. O'Connor:

Without knowing when that competition is coming, how long is our contract with TCI?

Ms. Miskovich:

1999.

Mr. O'Connor:

We have five or six more years?

Ms. Miskovich:

Not really. The contract expires in 1999; however, we will be making some very important decisions about what we are going to do with our franchise agreement within, I suspect, one year. Do you agree, Ashley, that we will have to start?

Mr. Schannauer:

We have been told that any rebuilding of a city system is going to be accompanied by a request to extend the franchise.

Mr. O'Connor:

Is that like fiber optics, things like that? Is that going to be part of the new agreement?

Mr. McGorry:

Our intention is to implement the same construction, what we call fiber optic, to the neighborhood architecture that we are now deploying in several suburban communities here in the City of Pittsburgh which would allow city subscribers to receive greatly expanded channel capacity on a single wire system, as opposed to the dual wire system we have today. And that would be, certainly, a very, very significant investment, a huge capital project. The Western Pennsylvania marketplace estimates for that capital is well over $100 million, and we would certainly come in and propose to the city some type of renewal, request/renewal arrangement prior to the construction of that.

Mr. O'Connor:

Where are you doing that now in suburban places?

Mr. McGorry:

Several communities in the Beaver Valley, several communities in the Mon Valley, as well. We identified areas of greatest need in terms of the age of the system and channel capacity and addressed those communities first.

Mr. O'Connor:

If you did that next year, are you looking at just a longer term, maybe five years, or are we going to have to pay for that? Is that your capital expenses?

Mr. McGorry:

We would certainly want to know that we are going to have an agreement to operate in the city and a business arrangement with the city.

Mr. O'Connor:

I don't expect you to put $100 million in without some pay back.

Mr. McGorry:

Again, we plan to acquire our return on this investment through new businesses, new technology, new service offerings that are really outside what we know as traditional cable television.

Mr. O'Connor:

In Beaver County is it costing the residents any more?

Mr. McGorry:

Not at this time, no. Basic and expanded basic equipment and installation charges are regulated the same as they are here.

Mr. Wormser:

Councilman, without suggesting that TCI is planning on this approach, the general understanding is that most of what comes by way of additional channels and the 500 channel universe will be programming that you pay for separately, either premium channels, at least under the current lingo, or additional tiers which, if they are regulated, will be lightly regulated.

Mr. McGorry:

If I might add, we about two weeks ago held a demonstration of some applications for the educational community over at Carnegie Science Center. And each channel is a valuable space in the pipe or band within the pipe, and utilizing a piece of that band width to allow the educational community greater access to the world's information libraries, the info-net to provide video teleconferencing applications, access to

specialized teaching applications, access to teachers for disabled children, sick children, et cetera. We had a demonstration over at the Carnegie Science Center a few weeks ago. Those are some of the things that a channel can be used for and those are certainly a new business application.

Mr. O'Connor:

All these new business things, especially education things like that, if you put them in the schools and bring all this expansion -- anybody can buy cable, nobody is forced to buy it, either. But I think one of the questions is if you are going to do it as a capital investment for future business with a longer term lease, that is a good business deal for both of us. But a lot of people are worried as you are doing these things. Our senior citizens who have no interest or need for it, are they going to have to be paying any of this?

Mr. McGorry:

We believe that there is going to continue to be a demand for the traditional core product, the basic cable television service, and we have a commitment and a strong desire to be the main provider or fulfiller of that demand. But we also want to grow our company and grow our business by investing in new technology and entering into new business arenas. As Mr. Wormser mentioned, other companies are anxious to enter into our business environment, as well.

(Deleted text.)

Mr. O'Connor:

A couple quick questions, I know the hour is getting late.

I believe you have been very good corporate citizens, and I think you have done a nice job, especially your PSA's are very good. I am impressed with hearing your hiring quality of minority and women, the percentage. I am impressed with the percent of city residents.

The question did come up about some complaints on service, and once in awhile I will get a call on them. I know at home we had 20 kids in my living room waiting for the wrestling match and it went out, but you fixed it right away. So my one or two problems you solved right away.

How do we judge the quality? Do we have a system in with customer service, how many complaints they get?

Ms. Miskovich:

Yes.

Mr. O'Connor:

How do we regulate that? Do we know if they are doing a good job or not?

Ms. Miskovich:

We have a mechanism internally in the City of Pittsburgh in our Cable Bureau out of the Department of General Services where residents can call us directly. In fact, I believe that on the bills that TCI issues to each and every subscriber there is a telephone number made available to them. Under the City Code of Ordinance, if there are any complaints and arguments between TCI and a subscriber, under the Code, as you know, you all have named me as the mediator for those complaints.

I see that Mr. Wormser has just passed over to me what I was referring to earlier. If you don't mind terribly --

(Deleted text.)

Ms. Miskovich:

Councilman Smith's bill, which I have before me, has at the bottom written, I quote, "Your franchise authority's name and address is City of Pittsburgh, 901 City-County Building, Pittsburgh PA 15219, FCC ID number." I don't see our telephone number here.

Mr. McGorry:

That has been modified as a result of the new FCC requirement, and we also added to that at the request of the Cable Bureau that, "This is not a payment center. Please remit your payment center to TCI."

Ms. Miskovich:

We were getting their money and we didn't want them having late payments.

Mr. O'Connor:

Do you have an in-house quality control, how many complaints you get, how you solve them, something that you would be able to share?

Mr. McGorry:

Yes. The guidelines that were referred to earlier in terms of customer service standards that were established by the FCC pursuant to the Cable Act are guidelines that we as a company have voluntarily adhered to without the franchising authority

mandate, and we have complied with these guidelines in every experience over the last two years, with the exception of last September when the rates were changed and the hugh volume of phone calls and resulting confusion, we did fall below the standards for answering phones in a given time periods, et cetera. We track those at our office on an hourly basis. We provide those from time to time to the City Advisory Committee at request when time comes. I think two months ago I had given them an update of that.

Mr. O'Connor:

Our Advisory Board monitors that?

Mr. McGorry:

From time to time they periodically ask me for a review. I think I gave them an overview of that, our recent performance, about two months ago.

Ms. Miskovich:

It is a good point, Councilman O'Connor. What I will do is get Council a summary of the complaints that we have been addressing through the Cable Bureau for '94 and I will have them tracked back to '93. That will give you the big picture. I am also going to request of TCI of Pennsylvania that they give us a summary report. The report that Mr. McGorry is referencing was two months ago, it was prior to my coming on. I didn't see that report and I am sure he will provide a copy to me and I will pass it on to you all.

Mr. O'Connor:

Our Advisory Board, which we all appoint someone to, should be letting us know they are doing good, fair, whatever it may be.

I guess in summary, though, we are saying that this has no effect on the programming or the cost, and the biggest benefit is the potential of your growth in the region and to create more jobs.

(END OF REMARKS.)
Transcribed by: Helen L. Kriebel
Stenotype Reporter

MUNICIPAL RECORD

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Municipal Record

ONE-HUNDRED TWENTY-EIGHTH COUNCIL

JIM FERLO.....President
LINDA M. JOHNSON-WASLER.....City Clerk
KURT J. SALAC.....Asst. City Clerk

Pittsburgh, PA
Tuesday, June 21, 1994

PRESENT:

Mr. Cohen	**Mr. Ricciardi**
Mr. Hertzberg	**Mr. Smith**
Mr. O'Connor	**Mr. Ferlo**
Mr. Onorato	**(Pres't)**

ABSENT:

Mr. Cusick

The Chair:

We have a quorum.

At this time I would ask you to please rise for the Pledge of Allegiance and please remain standing for a moment of silent prayer so that we may have peace throughout the world.

"I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with Liberty and Justice for all."

PRESENTATIONS

The Chair:

Thank you.

We have a number of guests in the audience this morning. At this time I would like to ask the coaches and some of the team players from Brashear to please come forward at this time. Members of Council, ladies and gentlemen, good morning. Councilman Cusick, unfortunately, had a family emergency with his wife Rita, his father-in-law is in the hospital this morning, and he had to travel just outside the City and he will be here later on this afternoon and he asked on behalf of all of our colleagues that we read the following resolution. We have some great students here and some great athletes.

THE CHAIR FOR MR. CUSICK PRESENTS

No. 695 WHEREAS, John A. Brashear High School is known for striving for excellence in academics and athletics; and,

WHEREAS, the Brashear High School Bulls Baseball team's 1994 season was marred by injuries that were detrimental to the team's chemistry; and,

WHEREAS, despite the adversity caused by injury the Bulls were able to pull together and respond with four big wins down the stretch of the season ending with a win over Allderdice High School, 8-3, for the City title; and,

WHEREAS, the Brashear Bulls are now the 1994 City League Baseball champions due to the superior efforts of the coaches, Wayne Nerone, Ron Wabby and Hank Hogle, and especially the endurance and perseverance of the players, Justin Cibrone, Mike Daniels, Matt Kennard, Bob Wardzinski, Clyde Manns, Joe Winklmann, Rich Barkey, Scott Gedzar, and Jason Gaugler;

NOW, THEREFORE BE IT RESOLVED that the Council of the City of Pittsburgh hereby commends the Brashear Bulls Baseball team for

their achievement in winning the 1994 Pittsburgh City League Baseball Championship and going on to the State Championships.

MR. HERTZBERG moved to adopt the resolution.

MR. COHEN seconded the motion.

Which motion prevailed.

The Chair:

Thank you very much. We are very honored to have a couple of the coaches here this morning as well as some of the team players and we want to applaud all of you for your hard work and I know Councilman Cusick is very proud of his alma mater. And, at this time I would ask one of the coaches to come forward and then maybe we can get one of the young athletes up here to say a few words also. Coach.

Unidentified Speaker:

I just would like to thank Councilman Ferlo and the Council on the recognition and the parents and my Principal, Mr. Nicklos, it is quite an honor, I appreciate it. Thank you.

Unidentified Speaker:

I would like to thank coaches Wayne Nerone and Ron Wabby for believing in us and it was a great year, it took team work and I am just really happy about it. Thank you.

The Chair:

At this time I would like to call on Councilman Bob O'Connor.

Mr. O'Connor:

Good morning. Would Dennis, Mike and Peggy, please come up. Actually I am co-sponsoring this with Councilman Cusick, and he will not be here today, his father-in-law is ill and that is why, understandably, he won't be able to be in Council today.

MR. O'CONNOR PRESENTS

No. 696 WHEREAS, on Sunday, June 26, 1994, the Ancient Order of Hibernians County Board, in cooperation with county Irish Organizations and communities, will hold it's 90th Annual Irish Day Picnic; and

WHEREAS, the allay event will include live Irish music and Irish step dancing, Irish foods and refreshments, and children's activities; and

WHEREAS, the event will also include a Gaelic football match and Camogie game.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Pittsburgh hereby commends and honors the efforts of the Ancient Order of Hibernians County Board to promote and preserve the culture and traditions of their Irish heritage.

SPONSORED BY COUNCILMAN JOE CUSICK AND COUNCILMAN BOB O'CONNOR

MR. O'CONNOR moved to adopt the resolution.

MR. ONORATO seconded the motion.

Which motion prevailed.

Mr. O'Connor:

And we have -- Mike McNaugh, do you want to tell us a little bit about the football game.

Mr. McNaugh:

I have some information I would like to hand to Council that describes the football and Camogie. We have a football match between the two teams from Pittsburgh, the Pittsburgh Celtics and the Pittsburgh St. Colm Cille. It will be occurring at 3:30 at South Park, the main fairgrounds there, and we wish to welcome you all and thank you for your help.

The Chair:

Thank you very much.

Mr. O'Connor:

I notice you did not offer to play Council's Gaelic team. Should we play them Sunday, guys, or --

Mr. McNaugh:

Sure, come on out, it's a pick-up game.

Mr. O'Connor:

And, Dennis Murphy, please come up and tell us about the picnic.

Mr. Murphy:

Yes, the Irish Day has really grown to be a celebration of Irish culture and heritage, and it is actually particularly with emphasis on the influence that the Irish have had in Western Pennsylvania, and it is a day that is really of interest to any nationality but it does highlight all of the steps and Gaelic dancing and it involves every Irish entertainer that performs in any of the three-county areas here in Western Pennsylvania as well as some guests from outside of the City. It begins with a mass and there is continuous entertainment throughout the day.

Besides the authentic Gaelic sports, there's a group of Irish lassies that are challenging in softball any lad of any nationality. So, if any of you gentlemen would like to come out you're welcome to do that.

We really appreciate the honor that you have given us, this being the 90th event sponsored by the Ancient Order of Hibernians County Board. So, we appreciate your recognition and also your support. Thank you.

The Chair:

Thank you very much.

Mr. O'Connor:

I think, Mike, you promised it wouldn't snow or anything for us?

Mr. McNaugh:

No snow. That's all worked out.

Mr. O'Connor:

Peggy, do you want to say a few words. Peggy is in charge of the P.R.

Ms. Philbin:

I look like I should be probably playing Irish basketball instead of football. But, no, I just want to welcome anyone to come out to the Irish Day Picnic, whether you are Irish or not, it is going to be a great day and a lot of fun and I can guarantee it will be warmer than it was on the St. Patrick's Day Parade day.

The Chair:

That's great. Thank you very, very much. Thank you all.

Councilman Gene Ricciardi.

Mr. Ricciardi:

To be read into the record, Mr. President.

The Chair:

Thank you, Mr. Ricciardi.

Mr. Ricciardi:

Thank you.

MR. RICCIARDI PRESENTS

No. 697 WHEREAS, Father Michael Salvagna was born and raised in New York City, attended Holy Cross Preparatory Seminary in Dunkirk, New York, and was ordained a priest on May 30, 1969 in Union City, New Jersey; and,

WHEREAS, in 1971, Father Mike was appointed vice-rector of St. Paul of the Cross Monastery and, in 1974, he moved to St. Paul of the Cross Retreat Center and became a member of the Retreat House team; and,

WHEREAS, in 1975, Father Mike, as a leader of the Pittsburgh charismatic movement, took part in the International Charismatic Convention held in the City of Rome, and in 1976, Father Mike was elected coordinator of the Word of the Cross Community; and,

WHEREAS, Father Michael Salvagna has always shown great love and devotion for the people of the South Side and the City of Pittsburgh. Among his accomplishments are

preaching missions and retreats, counseling and prayer for inner healing, co-host of a Christian talk show titled "Getting Together" on WPCB-TV, a radio segment on WEDO entitled "listen to His Love," and in 1983, production of a 4-part video cassette called "A Touch of Healing" which was used on closed circuit television in hospitals; and,

WHEREAS, 1994 marks the 25th Anniversary of Father Mike's ordination and will be celebrated with a Mass and reception on Sunday, June 12th at St. Paul of the Cross Monastery Church.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh hereby congratulates Father Michael Salvagna on the 25th Anniversary of his Ordination into Priesthood and thanks him for his years of service to St. Paul of the Cross Monastery and Retreat House, the South Side, and the City of Pittsburgh; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh declares Sunday, June 12th, 1994 as FATHER MICHAEL SALVAGNA DAY in the City of Pittsburgh.

MR. RICCIARDI moved to adopt the resolution.

MR. ONORATO seconded the motion.

Which motion prevailed.

MR. RICCIARDI PRESENTS

No. 698 WHEREAS, Monsignor Michael Poloway was born November 7, 1927 in Detroit, Michigan and received his early religious training as an alter boy at St. John the Baptist Ukrainian Catholic Church in Detroit and attended Ukrainian classes and religious instruction led by the Sister Servants of Mary Immaculate. He studied for the priesthood at St. Basil's College in Stamford, Connecticut, receiving a Bachelor of Arts Degree, and continued his studies at St. Josaphat's Seminary and Catholic University in Washington, D.C.; and

WHEREAS, on June 24, 1954, Monsignor Poloway was ordained to the Holy Priesthood at the Cathedral of the Immaculate Conception in Philadelphia and, shortly thereafter, received the dual assignment of assistant at the Cathedral in Philadelphia and secretary to the Archbishop of the chancery office. During the following 17 years, Monsignor Poloway held various positions, including Vice-chancellor and Chancellor of the Philadelphia Archdiocese, Papal Chamberlain, and first Administrator of the Sacred Heart Mission in the Fox Chase area of Philadelphia; and,

WHEREAS, to fulfill his desire to do pastoral work, Monsignor Poloway was assigned as pastor of St. Michael's Parish in Camden, New Jersey in 1965 and assumed the pastorship of St. John the Baptist Ukrainian Catholic Church in Pittsburgh on August 18, 1965, where he presently serves the needs of God's Church; and,

WHEREAS, on October 5, 1984, Pope John Paul II elevated Monsignor Michael Poloway to the Dignity of the Title of Honorary Prelate.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh hereby congratulates Monsignor Michael Poloway on the 40th Anniversary of his Ordination into the Priesthood and thanks him for his years of service to the Catholic Church, the parishioners of St. John the Baptist Ukrainian Catholic Church, and the people of the City of Pittsburgh; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh hereby declares Friday, June 24, 1994 as MONSIGNOR MICHAEL POLOWAY DAY in the City of Pittsburgh.

MR. RICCIARDI moved to adopt the resolution.

MR. ONORATO seconded the motion.

Which motion prevailed.

The Chair:

At this time I would like to call on Councilman Christopher Smith.

Mr. Smith:

Good morning, colleagues. As the Upshurs come forward, I would like to read into our official record, a resolution.

MR. SMITH PRESENTS

No. 678 WHEREAS, for more than 40 years, Reverend & Mrs. Charles Upshur, Administrator and Director of the Greater Love Outreach and Pastors of the Miracle Deliverance Church of God In Christ, have been reaching out and serving those in need; and

WHEREAS, their ministry is located on Fifth Avenue in the Uptown community of the City of Pittsburgh. Greater Love Outreach offers many services to the community, including a food pantry, shelter, a resources and referral department, drama workshops, a substance abuse program, and decentralized youth programs in the Hill District, North Side and St. Clair Village; and

WHEREAS, the Greater Love Outreach Ministry sponsors special programs as an organization, and also networks with other agencies in the community to achieve similar goals. The organization sponsors an annual Thanksgiving Dinner at the Fifth Avenue location in which more than 200 persons attended in 1993. Volunteers actively recruit persons to attend the Salvation Army's Annual Christmas Dinner, held at the major hotels in downtown Pittsburgh; and

WHEREAS, through hard work, dedication, commitment, and the joy of helping others in need, the Upshurs continue to be partners in many of the "Miracles on Fifth Avenue". Both have taken the tenets of their faith literally as they have fed the hungry, clothed the poor, and continue to join with others in the community who do the same; and

WHEREAS, on June 25, 1994, at 6:00 P.M., an Appreciation Dinner will be held at the Vista Hotel to honor Pastor Marie Upshur and Pastor Charles Upshur for extending a helping hand to families and individuals in need throughout the neighborhoods and communities of Pittsburgh.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Pittsburgh gives praise to Reverend and Mrs. Charles Upshur for providing humanitarian services to hundreds of citizens in the City of Pittsburgh, and declares Saturday, June 25, 1994 as CHARLES and MARIE UPSHUR DAY in the City of Pittsburgh.

MR. SMITH moved to adopt the resolution.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

Mr. Smith:

Thank you very much.

This is just a small token for the years of dedicated service that you have given to the community.

Rev. Upshur:

Thank you, Councilman Smith, and the entire City Council. Not that we need any more recognition that the work be recognized, that there are citizens out there trying to help the City of Pittsburgh become a better place to live, a more safer place, as we endeavor to continue to work with those who need help the most, working with cocaine addicts, and so forth, and endeavoring to see them relieved from their addiction and we have seen several throughout the year of 1994. So, thank you again for your recognition and God bless you real good.

The Chair:

Thank you. At this time I would ask our City Clerk to please read into the record a resolution for some Council District 9 event.

COUNCIL DISTRICT 9 PRESENTS

No. 699 WHEREAS, on Sunday, June 19, 1994 World Renowned Jazz Musician Ahmad Jamal will be honored and inducted into the Westinghouse High School Hall of Fame by the Westinghouse High School Alumni Association, Inc.; and

WHEREAS, Ahmad Jamal's picture will accompany the photographs of other luminaries who have attended "The House" and have achieved greatness like Errol Garner; and

WHEREAS, Mr. Jamal's awards through the years are too numerous to mention, let it suffice to note that he started performing at the age of three and was composing by the age of ten; and

WHEREAS, Ahmad Jamal's recordings are legendary and consist of releases on the following labels: CBS, Okeh, Epic, Chess, Checker, Argo,

ABC, MCA, 20th Century Fox, and his current company, Atlantic Records; and

WHEREAS, at the age of 61, Ahmad remains a vital force in the American and the international music scene and continues to perform to sold out audiences all over the world.

NOW, THEREFORE, BE IT RESOLVED, that the City of Pittsburgh recognizes The Westinghouse High School Alumni Association, Inc., for their continued efforts to raise the consciousness and the spirits of the Westinghouse High School students; and

BE IT FURTHER RESOLVED, that the City of Pittsburgh commends Mr. Ahmad Jamal for his contributions to the lives of all Pittsburghers and hereby proclaims Sunday, June 19, 1994 as Ahmad Jamal Day in the City of Pittsburgh.

MR. HERTZBERG moved to adopt the resolution.

MR. SMITH seconded the motion.

Which motion prevailed.

The Chair:

Thank you. At this time we will move directly into Presentation of Papers.

MR. COHEN PRESENTED

No. 700 Resolution providing for the letting of a contract or contracts or use of existing contracts for the furnishing and delivery of equipment for the Department of Public Safety, Bureau of Building Inspection at a cost not to exceed seventy-five thousand dollars ($75,000.00) chargeable to and payable from Bureau of Building Inspection Trust Fund (BBITF), Index Code 250233.

Which was read and referred to the Committee on Public Safety.

MR. COHEN moved to suspend Rule 8 by providing for consideration of the bill only until or after the 8th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

MR. ONORATO seconded the motion.

Which motion prevailed.

MR. COHEN FOR MR. CUSICK PRESENTED

No. 701 Resolution amending Resolution No. 917, effective August 30, 1990 entitled "Providing for a Contract or Contracts for the Installation of the Computerized Traffic - Responsive Traffic Control System in the Central Business District; providing for a Reimbursement Agreement with the Commonwealth of Pennsylvania, Department of Transportation; and providing for the payment of the cost thereof," by providing for an Agreement with Duquesne Light Company and reappropriating the funds.

Also,

No. 702 Resolution providing for a Contract or Contracts, or the use of existing Contracts for Street Tree Planting at various locations; and providing for payment of the cost thereof, cost not to exceed $100,000.00.

Which were severally read and referred to the Committee on Engineering and Construction.

MR. ONORATO PRESENTED

No. 703 Resolution authorizing an Amnesty Program for costs associated with overdue parking violations for parking in a street cleaning zone, Chapter 541.01 (c) (4), Pittsburgh Code; Meter Parking, Chapter 543.04, Pittsburgh Code; and Residential Permit Parking, Chapter 549, Pittsburgh Code.

Also,

No. 704 Resolution repealing that provision in the "Other Authorizations Section of the 1994 Budget which restored the right to receive City paid and City subsidized health insurance benefits for certain employees retiring on or after January 1, 1994, which had been previously deleted by Resolution No. 907, approved August 2, 1993.

Also,

No. 705 Resolution repealing Resolutions, approved on various dates, authorizing the sale of properties in various wards of the City of Pittsburgh, in accordance with Act No. 171 of 1984.

Also,

No. 706 Resolution providing for conveyance by the City of Pittsburgh or certain property, under Act No. 171 of 1984, entitled "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984.

Also,

No. 707 Resolution providing for the filing of a petition or petitions for the sale of certain property or properties acquired at tax sales in accordance with Act No. 171 of 1984, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984.

Which were severally read and referred to the Committee on Finance.

MR. RICCIARDI PRESENTED

No. 708 Resolution providing for the letting of a contract or contracts, or the use of existing contracts for various repairs and emergencies for the Department of Public Works, payable from Code Account 03-01-40-0040-94, Index Code 875625, Major Repairs and Emergencies, Department of Public Works, and for payment thereof.

Also,

No. 709 Resolution granting unto Northside Common Ministries with an address at P.O. Box 99861, Pittsburgh, Pennsylvania 15233, their successors and assigns the privilege and license to construct, maintain and use at their cost and expense, a concrete handicap ramp on a portion of the sidewalk area on Freedmore Street in the 25th Ward, 6th Council District of the City of Pittsburgh.

Which were severally read and referred to the Committee on Public Works.

MR. SMITH PRESENTED

No. 710 Resolution approving execution of a Contract for Disposition by sale of property by and between the Urban Redevelopment Authority of Pittsburgh and Manchester Citizens Corporation for the sale of Block and Lots 7-C-31, 7-C-32, and 7-C-33 in the 21st Ward of the City of Pittsburgh (RESIDENTIAL REHABILITATION)

Which was read and referred to the Committee on Planning, Housing & Development.

THE CHAIR PRESENTED

No. 711 An Ordinance amending the Pittsburgh Code, Title Nine, Zoning, by inserting "nursing home as a use by right in "RP" Residential Planned Unit Development Districts under Chapter 975.---(COUNCIL DISTRICT NO. 7)---(SPONSORED BY MR. FERLO)

Also,

No. 712 An Ordinance amending the Pittsburgh Code, Title Nine, Zoning, Article III, Chapter 921, Section 921.02, Zoning District Map No. 11, by changing from "S" Special District and "R1" One-Family Residence District to "RP" Residential Planned Unit Development District all that certain property bounded by Stanton Avenue, the "RP" zoning district boundary line located between Station Avenue and Rosecrest Drive north of Mossfield Street, Lot 202 Block 81-M in the Allegheny County Lot and Block System, Manorland Avenue, Lots Numbered 206, 208, 210, 212, 214, 216, 218, 220, 222, 228 and 10 Block 81-M in the aforesaid System, Somerville Street, and Unnamed way located between Somerville Street and Stanton Avenue, 10th Ward.---(COUNCIL DISTRICT NO. 7)---(SPONSORED BY MR. FERLO)

Which were severally read and referred to the Committee on Planning, Housing & Development.

MR. HERTZBERG moved to suspend Rule 8 by providing for consideration of the bill only until or after the 8th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

MR. SMITH seconded the motion.

Which motion prevailed.

The Chair:

Thank you. That concludes the Presentation of Papers.

Under Unfinished Business, are there any matters or reports of special committees to be brought before the body?

Hearing none, we will move directly into Reports of Committees.

REPORTS OF COMMITTEES

MR. ONORATO PRESENTED

Bill No. 713

Report of Committee on Finance for June 15, 1994 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 650

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Thompson Construction in the amount of $99,856.00 for final payment of work performed on the construction of EMS Station #10; and providing for the payment of the cost thereof."

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

The bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Ricciardi
Mr. Hertzberg	Mr. Smith
Mr. O'Connor	Mr. Ferlo
Mr. Onorato	(Pres't)

AYES 7 NOES none

And there being two-thirds of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 659

A Resolution entitled, "Resolution providing for the filing of a petition or petitions for the sale of certain property or properties, acquired at tax sales in accordance with Act No. 171 of 1984, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984."

Which was read.

Also,

Bill No. 660

A Resolution entitled, "Resolution authorizing the transfer of funds as invoices are submitted for the purchase of asphalt at a cost not to exceed Thirty Thousand ($30,000.00) Dollars from Code Account 03-01-40-0030-94, Index Code 875591, Asphalt Repairs, in the Department of Public Works to the Department of Public Works' Code Account AR, Index Code 250100, Asphalt Reimbursement Trust Fund."

Which was read.

Also,

Bill No. 680

A Resolution entitled, "Resolution providing for the transfer in the amount of Eighty-One Thousand Two Hundred and Fifty Dollars ($81,250.00) from Code Account 45, Index Code 004507, Health Insurance, to Code Account 53, Index Code 005306, Debt Service, Auditorium Authority of Pittsburgh and Allegheny County. (The purpose of this transfer is to pay the City of Pittsburgh share of the Auditorium Authority Debt Service on the 1978 Series C issue)."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen Mr. Ricciardi
Mr. Hertzberg Mr. Smith
Mr. O'Connor Mr. Ferlo
Mr. Onorato (Pres't)

AYES 7 NOES none

The bills having received the legally required number of votes are passed finally.

MR. RICCIARDI PRESENTED

Bill No. 714

Report of Committee on Public Works for June 15, 1994 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 618

A Resolution entitled, "Resolution providing for an Agreement between the City of Pittsburgh and Carnegie Mellon University, granting to Carnegie Mellon University the right to construct and maintain a building over a sewer line of the City of Pittsburgh on property owned by Carnegie Mellon University in the 14th Ward, 8th Council District of the City of Pittsburgh."---(AMENDED)

Which was read.

Also,

Bill No. 619

A Resolution entitled, "Resolution providing for a Contract or Contracts, or the use of existing Contracts for the design, lease purchase and installation of high pressure sodium street lighting for the Department of Public Works and providing for the payment of the cost thereof, at a cost not to exceed ($3,368.49)."

Which was read.

Also,

Bill No. 620.

A Resolution entitled, "Resolution changing the name of Ridgway Street to Arena Street between Ledlie Street and 552 feet in a southwesterly direction to a dead end terminus located in the 2nd and 3rd Wards, 6th Council District of the City of Pittsburgh."

Which was read.

Also,

Bill No. 621

A Resolution entitled, "Resolution granting unto Thomas R. Tripoli with an address at 20 South 14th Street, Pittsburgh, Pennsylvania 15203, his successors and assigns, the privilege and license to construct, maintain and use at his own cost and expense, a total of eight (8) trees placed approximately eight (8) feet from the curb in the dirt portion of the sidewalk area along South Ninth Street in the 17th Ward, 3rd Council District of the City of Pittsburgh."

Which was read.

Also,

Bill No. 622

A Resolution entitled, "Resolution granting unto Co-Go's with an address at 2589 Boyce Plaza Road, Pittsburgh, Pennsylvania 15241-3981, their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, a planter, seven (7) shrub beds and a chain and pipe railing in the 32nd Ward, 4th Council District of the City of Pittsburgh."

Which was read.

Also,

Bill No. 623

A Resolution entitled, "Resolution vacating Stock Street between Ollie Street and Commission Way in the 31st Ward, 5th Council District of the City of Pittsburgh.

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Chairman Ricciardi.

Mr. Ricciardi:

Thank you, Mr. President. I would like to make a motion to recommit Bill 618 on three accounts. First, a substitute bill was presented to this body shortly before this meeting, I don't believe that gives us enough time to properly review the bill; second, a few Council members brought up a good point last week, and that was, should we be approving this resolution without the agreement being written in place, and third, just as important as the first two accounts, is that the site in question, CMU, is in Councilman Cohen's district and he was unable to attend last week's meeting because of a blessing, an addition of a baby boy to his family, I would like to give Councilman Cohen more opportunity to review this bill.

Motion to recommit.

The Chair:

Is there a second?

MR. COHEN seconded the motion.

The Chair:

All in favor? The bill is recommitted.

WHICH MOTION PREVAILED.

The Chair:

Other matters?

Hearing no further discussion, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Ricciardi
Mr. Hertzberg	Mr. Smith
Mr. O'Connor	Mr. Ferlo
Mr. Onorato	(Pres't)

AYES 7 NOES none

The bills having received the legally required number of votes are passed finally.

MR. SMITH PRESENTED

Bill No. 715

Report of the Committee on Planning, Housing & Development for June 15, 1994 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 580

A Resolution entitled, "Resolution approving a conditional use exception under Section 993.01(a)A(54) of the Pittsburgh Code, Title Nine, Zoning Article V, Chapter 993, to the Stadium Authority for authorization to construct a new electronic message sign of 1200 sq. ft. on the roof of the Three Rivers Stadium above Gate "C" on property zoned "C6-B" Downtown Riverfront District B, 22nd Ward."

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Councilman Onorato.

Mr. Onorato:

I would like to have my comments brought forward on Bill 580 on the new and exciting Stadium Authority sign.

(REMARKS -- SEE ADDENDUM)

The Chair:

Any other discussion? Mr. O'Connor.

Mr. O'Connor:

I would just like my comments brought forward on 580.

(REMARKS -- SEE ADDENDUM)

The Chair:

Thank you.

Any other discussion? Mr. Smith.

Mr. Smith:

Yes. I am not going to support this because of the lack of willingness to limit the types of advertising that we will accept on this sign. I have no problem with advertising but I think that there are limitations that should have been imposed, and so it is with a sad heart that I have to go against my colleagues in not supporting what I think is a moral issue that affects the citizens City wide, and so my vote will be no.

The Chair:

Thank you. Any other comments?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen Mr. Ricciardi
Mr. Hertzberg
Mr. O'Connor
Mr. Onorato

AYES 5 NOES 2

VOTING NO:
Mr. Smith
Mr. Ferlo
Pres't)

The bill having received the legally required number of votes passed finally.

Also,

Bill No. 633

A Resolution entitled, "Resolution approving execution of a Contract for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and Commonwealth of Pennsylvania, Department of General Services, for the sale of parcel 4A in the Twenty-Seventh Ward of the City of Pittsburgh in Redevelopment Area No. 15, for the sum of $30,000.00. (CORRECTIONS INDUSTRY BUILDING)---(COUNCIL DISTRICT NO. 1)"

Which was read.

Also,

Bill No. 433

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Nine, Zoning, Article III, Chapter 921, Section 921.02, Zoning District Map No. 13, by changing from "S" Special District to "M3" Light Industrial District all that certain property bounded by Greeley Street, Eola Way, Scott Way and its center line projected in a northerly direction, and Lot 208 Block 12-R in the Allegheny County Block & Lot System, 16th Ward."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will

vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:
Ayes:

Mr. Cohen	Mr. Ricciardi
Mr. Hertzberg	Mr. Smith
Mr. O'Connor	Mr. Ferlo
Mr. Onorato	(Pres't)

AYES 7 NOES none

The bills having received the legally required number of votes are passed finally.

MR. O'CONNOR PRESENTED

Bill No. 716

Report of Committee on General Services for June 15, 1994 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 658

A Resolution entitled, "Resolution providing for approving a Transfer of Interests affecting the franchise of TCI of Pennsylvania, Inc. and authorizing Agreements to effectuate the City's approval.

Which was read.

Also,

Bill No. 661

A Resolution entitled, "Resolution providing for the letting of a Contract, or use of existing Contracts for fence repairs for the Department of Public Works, payable from Code Account 03-01-40-0070-94, Index Code 875773, Fence Repairs, Department of Public Works, and for payment thereof, cost not to exceed $30,000.00. ---(AS AMENDED)."

Which was read.

Also,

Bill No. 662

A Resolution entitled, "Resolution providing for the letting of a Contract or Contracts, or the use of existing Contracts for installation of picnic shelters with site amenities for the Department of Public Works, payable from Code Account 03-01-40-0080-94, Index Code 875740, erect non-permit pre-fab picnic shelters, Department of Public Works, and for payment thereof, cost not to exceed $30,000.00."

Which was read.

Also,

Bill No. 663

A Resolution entitled, "Resolution providing for the letting of a Contract or Contracts, or the use of existing Contracts for Concrete Repairs for the Department of Public Works, payable from Code Account 03-01-40-0050-94, Index Code 875658, Concrete Repairs, Department of Public Works, and for payment thereof, cost not to exceed $57,000.00.---(AS AMENDED)."

Which was read.

Also,

Bill No. 664

A Resolution entitled, "Resolution providing for the letting of a Contract or Contracts, or the use of existing Contracts for various repairs and emergencies for the Department of Public Works, payable from Code Account 03-01-40-0040-94, Index Code 875625, Major Repairs and Emergencies, Department of Public Works, and for payment thereof, cost not to exceed $60,000.00."

Which was read.

Also,

Bill No. 665

A Resolution entitled, "Resolution providing for the letting of a Contract or Contracts, or the use of existing Contracts for Safety Surface Installation for the Department of Public Works, payable from

Code Account 03-01-40-0054-94, Index Code 875682, Play Area Safety Improvements, Department of Public Works, and for payment thereof, cost not to exceed $290,000.00."
Which was read.

Also,

Bill No. 666

A Resolution entitled, "Resolution providing for the letting of a Contract or Contracts, or use of existing Contracts for Safety Surface Installation for the Department of Public Works, payable from Code Account 5-01-40-0054-94-515-94-01, Index Code 876029, Play Area Safety Improvements, Department of Public Works, and for payment thereof, cost not to exceed $100,000.00."

Which was read.

Also,

Bill No. 667

A Resolution entitled, "Resolution providing for the letting of a Contract or Contracts, or use of existing Contracts for Asphalt Repairs for the Department of Public Works, payable from Code Account 03-01-40-0030-94, Index Code 875591, Asphalt Repairs, Department of Public Works, and for payment thereof, cost not to exceed $61,000.00."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Mr. O'Connor.

Mr. O'Connor:

I would just like my comments brought forward on 658, please.

(REMARKS -- SEE ADDENDUM)

The Chair:

Thank you. Others?

Councilman Cohen.

Mr. Cohen:

Thank you, Mr. President. On Bill 658, regarding the merger between TCI and Liberty Media, I would just like to make a few comments because, as Mr. Ricciardi said, I was unable to last Wednesday.

This bill stems from -- or, our involvement in it stems from Section 425.23 of the Pittsburgh Code that says that TCI cannot sell or transfer more than three percent of the ownership of the company without our approval.

First of all, I just would like to say that I think that the City did an excellent job in following up their application with written questions several times, and particularly Mr. Ashley Schannauer, who came up here this morning to advise me on this, which I appreciate, and also David Wormser, I do think they did an excellent job following up with written questions and pressing TCI for more information.

I am not completely satisfied with what we received from TCI. Obviously TCI is merging with Liberty Media to make money and they are going to be doing it at the expense of the customers, of cable customers. I also think that it does potentially expand their monopoly, not horizontally but vertically. Liberty Media produces programming, TCI buys programming. So, there is a potential there for increasing the final rate to the customer.

But, realistically, Mr. President, and I think this was brought up last Wednesday, we can't stop this merger, I understand that. Both our in-house lawyers, including Mr. Schannauer, and also our outside consultant, David Wormser, tell us that if we did vote to stop the merger -- and it is a national merger, it is not locally -- we would just end up in court, and frankly, we would probably lose, because the section of the Code that focuses on this really says that we can only hold up a transfer or a sale or a merger, if the company is not financially solvent or if executives or personnel from the company have been convicted of crimes, crimes of deceit, fraud or moral turpitude, I think is the terminology. Obviously TCI is financially solvent because they have been squeezing the customer for the last several years, and as far as

we know nobody has been convicted of any crimes. So, I do not think that it is in the best interest of the taxpayer to hold this up.

The other aspect, as I mentioned, is that it is a national merger. Both the FCC and the Justice Department have approved it. The FCC, under the Cable Act of 1992, has provisions for this type of merger, and it does say that the programming that is provided by Liberty Media cannot increase beyond the inflation rate. So that is some protection. Also, the Justice Department did agree -- or, did require TCI in a Consent Order to not engage with anti-competitive practices. So that is another protection. I do not know if that will ultimately protect us, but I think that we have to leave it to the national agencies to do that.

So, my recommendation is that we approve this but at the same time focus on what we really can and what our power is and that is to keep the heat on for rate regulation and that will continue. We are going to have an evidentiary hearing and be able to respond to TCI's new rates, and that is the best way I think that we can keep rates down, Mr. President.

The Chair:

Thank you very much. Other comments?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Ricciardi
Mr. Hertzberg	Mr. Smith
Mr. O'Connor	Mr. Ferlo
Mr. Onorato	(Pres't)

AYES 7 NOES none

The bills having received the legally required number of votes passed finally.

MR. HERTZBERG FOR MR. CUSICK PRESENTED

Bill No. 717

Report of Committee on Engineering & Construction for June 15, 1994 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 652

A Resolution entitled, "Resolution amending Resolution #226, effective April 6, 1989, entitled, "Providing for a Cooperation Agreement or Agreements with Carnegie Library in connection with a Feasibility Study for Carnegie Master Program Study at the Branch Libraries; and providing for the payment of the cost thereof." by amending the title to read "Renovations to Carnegie Libraries".

Which was read.

Also,

Bill No. 653

A Resolution entitled, "Resolution amending Resolution #188, effective March 30, 1989, entitled "Providing for a Contract or Contracts, or use of existing Contracts, for construction of the Southside Riverfront Restrooms; and providing for the payment of the cost thereof," by amending the title and by increasing the total project allocation by $100,000.00, from $175,000.00 to $275,000.00."

Which was read.

Also,

Bill No. 656

A Resolution entitled, "Resolution amending Resolution #1455, effective January 1, 1994, entitled "Adopting and Approving the 1994 Capital Budget and the 1994 Community Development Block Grant Program; and approving the 1994 through 1999 Capital Improvement Program," by amending the title of EC94-129, Southside Riverfront Park Site Improvements and by amending the funding from $175,000.00 RIRA to $50,000.00 City and $100,000.00 to RIRA."

Which was read.

Also,

Bill No. 657

A Resolution entitled, "Resolution providing for the creation of a special trust fund to be known as the "Southside Riverfront Improvements Trust Fund" for the deposit of funds to be used for the Expansion and Improvement of the Southside Riverfront site."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Ricciardi
Mr. Hertzberg	Mr. Smith
Mr. O'Connor	Mr. Ferlo
Mr. Onorato	(Pres't)

AYES 7 NOES none

The bills having received the legally required number of votes are passed finally.

The Chair:

That concludes our Reports of Committees.

MOTIONS AND RESOLUTIONS

The Chair:

At this time, under Motions and Resolutions, we need a motion to excuse the absent member, by the way.

Mr. Hertzberg:

So moved.

MR. O'CONNOR seconded the motion.

The Chair:

It has been moved and seconded. All in favor?

WHICH MOTION PREVAILED.

The Chair:

Mr. Smith and Mr. Onorato.

Mr. Smith:

Yes, colleagues, I received a phone call from the 9th Council District regarding a problem that they perceive in terms of our regional willingness to share information. The Borough of Wilkinsburg, along Robinson Boulevard has held a public hearing last night regarding an Enviro Test Center, which is this mammoth center for emissions monitoring throughout the state. The problem I perceive is that the City has not been a part of these negotiations. We are directly across the street from this site, though legally not bound, we have not been active participants in this zoning and so forth, while it impacts our entire East Hills community.

I am asking that my colleagues send a letter with me to the Mayor to make it a high priority that all of his staff become involved, based on traffic, the size of the project and the impact that it will have on a City residential community.

I do not know how large the site is, I do not know how many cars. It is estimated -- someone told me there would be some 250,000 cars coming to be tested at this site. I think that we need to become aggressive. This district is not represented by anyone presently, it is an issue that affects the City and the quality of life in the City, and I am asking that we send a letter informing the Administration that this is presently going on and to encourage them to participate in any talks or negotiations with the Borough of Wilkinsburg, this company and any community group that shows an interest in this particular project.

MR. RICCIARDI seconded the motion.

The Chair:

Mr. O'Connor, on this.

Mr. O'Connor:

I would second that. My son goes to school at East Hills, so I am very familiar with the area. And, I think you bring up a good point, and possibly our planning might -- if they would ask our planning, I think it is a good idea that we get involved in the spirit of cooperation. Hopefully it is a good thing for the area but I think that we have to be very cautious, as you said, that it is the right thing for the area.

Mr. Smith:

Well, the other area they are contemplating is Lawrenceville.

The Chair:

No, that is already decided.

Mr. Smith:

Is it? Okay.

Mr. O'Connor:

Well, it is really a blighted shopping center, I mean it needs something.

Mr. Smith:

Well, that is not where it is going.

Mr. O'Connor:

I thought it was going in or near the shopping center. Where is it going?

Mr. Smith:

It is going across the Robinson Boulevard at Douglas.

Mr. O'Connor:

Well, what is there now?

Mr. Smith:

An abandoned factory site.

The Chair:

But, again, I think the sense of your resolution is that we ask the Mayor and the Planning Department to review the impact detrimental, if any, to the City residents and/or businesses.

Mr. Smith:

Yes.

The Chair:

I think we should be clear on what we are asking now. Right, is that it?

Mr. Smith:

That is what I am asking for. I just want the citizens to be informed. I think that for future growth along our boarders, we all need to be more proactive, more regional, as I have been accused of not being regional. So, I think that it is important that we start fostering it with our closest neighbors.

The Chair:

Other discussion on the motion?

Hearing none, roll call vote.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen Mr. Ricciardi
Mr. Hertzberg Mr. Smith
Mr. O'Connor Mr. Ferlo
Mr. Onorato (Pres't)

WHICH MOTION PREVAILED.

The Chair:

The motion carries. We will communicate to the Mayor.

Other comments? Mr. Onorato, under Motions and Resolutions.

Mr. Onorato:

Mr. President, and colleagues, you might recall last Tuesday I asked for a resolution where we would send a letter to Mr. Trefz at the Alcosan facility because of problems we have had on the North Side. Well, the following day I received a letter at my house, and I found out that he already responded with 5,500 letters to the Brighton Heights area of the City. I would like to read the letter just so my colleagues and the people listening could hear what went on down there and why I have concerns every time we expand this plant.

"Dear Neighbor: Several of you have called to express concern regarding the strong odors from Alcosan over the past several weeks. The following information provides an understanding of why the odors have occurred and steps Alcosan has taken to correct the problem.

"The number one reason for the odors is the high amount of sludge, called a sludge bucket, that has accrued in the primary sedimentation treatment tanks. Alcosan generates up to 440 wet tons of sludge daily. If the sludge remains in the tanks it turns septic, thereby creating the sulfur odor residents have detected.

"The high sludge blanket was a result of several equipment malfunctions. A leak developed in a steam conduit associated with the incinerator. Incineration was discontinued to make repairs. Subsequently a sludge pump malfunction occurred due to steel debris preventing its operation and restricting the feed of sludge for incineration. These were all unforeseen problems.

"The sludge disposal was further hampered by landfills closed for the holidays. In addition, weather conditions intensified the detection of odors. Hot and humid weather conditions seal in the odors preventing dissipation.

"How is the problem being corrected and when will the odors end? Alcosan has hired contractors to supplement its in-house hauling capabilities to remove the excess sludge. The mechanical malfunctions have been corrected. The new incinerators continue to perform well in their role of eliminating odors from the wet well. The incinerator is at full capacity. Three hundred wet tons of sludge is incinerated daily. It is anticipated that it will take up to two weeks to completely remove the sludge backlog; however, residents should notice a sharp decrease in odors long before then.

"Long term solutions to address last point odor sources, including the treatment tanks, is being examined through the Odor Control Program just underway. Currently studies are being conducted to analyze the frequency and intensity of odors, detection points and how the odors are generated. Residents will be receiving information on the program and

Alcosan plans to host an open house so that residents may examine operations firsthand.

"In the meantime, your calls are important to us, so please continue to notify us if you detect odors.

"If you would like a free poster of plant operations to gain a better understanding of the step by step Alcosan and waste water treatment process, please call 734-8353."

Well, I am not too concerned about the free poster, Mr. President, but I am concerned about just minor malfunctions and the results that happened on the North Side, and we are looking at a facility that is in the process of expanding. We hear about the Odor Control Program but those programs have been going on for the last 40 years and this is another $42,000,000.00 Odor Control Program just underway. Everyone can recall last year I voted "no" of bringing on, I think it was Penn Hills at the time, not because I did not want to participate with Penn Hills, I am still concerned that Alcosan is in the wrong place, I still think there should be a different facility located somewhere else for future expansion.

I should point out that I received calls from residents from McKees Rocks, outside of the City, to inform me that the wind blows their way once in a while, too, it is not just a Brighton Heights problem, and they are absolutely right. As I mentioned last week, this wasn't just Brighton Heights, it hits Manchester, it hits Observatory Hill, Perry South and it continues to move.

My concern is that I am wondering if we are going to destroy entire neighborhoods. Quality of

life is in jeopardy. I can tell you just last night -- "seal in the odors preventing dissipation" -- I was at a neighbor's pool last night with my children and I can tell you the smell was still there, and I am not a home very close to the facility like some of the -- or, the majority of the neighbors of this neighborhood.

I am not happy with the letter, it explains what happened, but to say that landfills were closed on a holiday, you just took 5,000 to 10,000 people and they had to suffer through the holiday because there were landfills closed, the way I read this.

Something has to be taken into consideration here, and I would ask this body, before we vote to expand this plant any further, that we have the odor problem under control. And, as far as I am concerned, it is not under control at this point. I hope the $42,000,000.00 program does work but I am very skeptical of it, along with the neighbors of the North Side because we have been down this road many times before.

The Chair:

Thank you, Mr. Onorato. Other comments?

I would like to ask the special committee, I want to get through this Pirate vote this week, we have the bill coming up for further debate, discussion, preliminary vote on Wednesday, there are a few outstanding issues that were raised by Mr. O'Connor and Mr. Cohen as well as additional information that was requested. It was hard to negotiate with all the body at the meeting on Wednesday. I would like to ask that Mr. O'Connor chair just a very quick subcommittee with Mr. Cohen and Mr. Onorato, Mr. Onorato, since he is Finance Chairman and also sits on the Stadium Authority, and that the three of you communicate directly with the Administration and with the Pirate Organization regarding some of the issues that were raised at the table, so that we can try to facilitate some closure on the issues that were raised, both in terms of extending the time period past the nine months that were negotiated by the Administration board issues. I believe very clearly that Mayor Murphy and the previous Mayor had never voted on that board and that needs to be resolved. I know for a fact that Sophie had no vote on the board. Now, unless something changed in the last few weeks that I am not aware of, I do not believe the Mayor initially had a vote either. So, those are some of the issues we want to resolve. And, also any information -- if we could have the Clerk review the record yesterday -- any information that any colleague asked in terms of further information, be at the table Wednesday, if you could please review that.

But, if this three committee, Mr. O'Connor, if you could work this out and negotiate for us and communicate back to us on Wednesday.

Mr. O'Connor:

We will try to meet this afternoon.

The Chair:

Mr. Cohen.

Mr. Cohen:

Mr. President, thank you for the appointment to the committee. I do think and I expressed this yesterday, I do think that it would be a mistake to vote on this before we receive the terms of the lease. I don't want to --

The Chair:

My only point is --

Mr. Cohen:

Let me just finish, if I may.

I do not in any way want to hold this up. If the vote is tomorrow, that's fine, but we have to receive the terms of the loan, the actual loan document itself, before we can vote on it. I think that is very appropriate. Many people, including myself, ask what is the payback formula and a lot of other terms in that loan document, without that I don't see how we can vote.

The Chair:

I understand that. So, one of the things I would like this committee to do is make sure all the information is available, so we are not further delaying the process.

So, if there is going to be a delay, it is not going to be because of this legislative body, that's my point.

Mr. Cohen:

Right.

The Chair:

So, any other comments? Any other discussion or points to be brought up before the body?

We need a motion to approve the minutes, a very important issue.

Mr. Hertzberg:

So moved.

MR. COHEN seconded the motion.

WHICH MOTION PREVAILED.

And on the motion of MR. COHEN

Council adjourned.

(MESSRS. ONORATO & O'CONNOR'S COMMENTS ON BILL NO. 580)
(Wednesday, June 15, 1994)

Mr. O'Connor:

I agree with Mr. Smith, but I don't know that legally we can do that. So therefore I am supporting you.

Refresh our memory. Regulations, after midnight the sign won't be on or flashing? Are there time limits?

Mr. Schneider:

Actually I think we put on record last week at the public hearing that the hours of operation that we proposed, both in terms of market and the board's policy, is 6:00 in the morning to 12:00 midnight.

Mr. O'Connor:

So there wouldn't be anything after midnight?

Mr. Schneider:

That is correct.

Mr. O'Connor:

Have you found out, do you have any better figures of what you think the revenue will come out of there?

Mr. Schneider:

Conservatively we think we can gross around $250,000.00 a year. We are hoping to do a lot better.

Mr. O'Connor:

Where does that 250 go; in the upkeep of the Stadium?

Mr. Schneider:

Right now under present arrangements we split the revenue on the signage -- correct me if I am wrong, Jim -- a third, a third, a third; a third to the Stadium Authority -- after we repay costs -- a third to the Pirates and a third to the Steelers.

Again, as you can see from the policies we are trying to enact over there, we are trying to increase those outside revenues because, again, they are small market teams and we need to maximize any source of revenue we can get not only for the Authority, but for the two teams.

Mr. O'Connor:

For people listening, you are looking for four or five major corporations that they will be on every 15 minutes?

Mr. Schneider:

Right. I think we have an actual schedule of what we think we could sell in the marketplace and we would try to get five major corporate underwriters, hopefully local corporations who not only would obviously get their name up on the marquee, but help sponsor the public service announcements that would announce neighborhood events and events at the Stadium and other civic and city events.

Mr. O'Connor:

What is the time schedule, say, for the corporate marketing advertiser versus the Great Race, whatever? Is it a 50/50 split?

Mr. Schneider:

I am not sure I have the actual breakdown, but it will be provided to Council. It is not a 50/50 split, it is really about two-thirds would be Stadium events and civic advertisements and one-third would be corporate underwriting sponsors.

Mr. O'Connor:

So if two-thirds are Stadium events, one-third the market, where is the civic?

Mr. Schneider:

I think the breakdown is two-thirds, one-third would be Stadium/sports teams, special events, one-third would be PSA's, which would be civic, neighborhood and other kinds of events that bring people to the city, and a third would be corporate underwriting or advertising.

Mr. O'Connor:

That is probably the reason why you are not getting more money. I am sure if it was 100 percent advertising, you would get a lot more money.

Mr. Schneider:

Yes. We could, obviously, sell 100 percent, but we don't think that fits in. We are trying to balance the need for

revenue with trying to create something that is aesthetically pleasing on the top of the Stadium, as opposed to what is there now, as well as provide additional information to out-of-towners and tourists and local residents about the kinds of things that are going on in the city.

Mr. O'Connor:

You have given us all a pretty even split, I think?

Mr. Schneider:

We are trying. Obviously, it would be great if we could do everything and make a million dollars.

Mr. O'Connor:

Now I see why you are only getting 250. I didn't realize that one-third. I support you.

Mr. Onorato:

Any other questions? Let me state that I share Councilman Smith's and Councilman Ferlo's concern about the content, I just disagree on how to possibly control it. I am more concerned and I am pleased with the fact that the sign that is there now generates zero revenue and that this sign will be generating at a minimum or our estimates are $250,000.00, hopefully more down the road. I think that is obviously a step in the right direction.

We are taking an area where we are now going to generate money, and everybody knows the problems dealing with the Stadium in general and money is a big issue. Any way we can relieve a tax burden from the residents of the City of Pittsburgh I am in favor of as long as we are meeting the aesthetic approval of the Planning Commission and of the Art Commission of what is going up there.

The content, obviously I don't think we should have any control over the content, that is my personal view. I am in favor of the sign the way it is now.

(Deleted text.)

Mr. Onorato:

Let me clarify my point that any economics course 101 tells you that if you bring in additional revenue, it is a help. And since the city is bearing the burden of that facility, $250,000.00 are going to be a benefit of the taxpayers, regardless of, one, either we reduce what we are paying now or we decrease what the increase in expenditures might have been next year. It is additional revenue, it is a plus to the city,

and that was my point I was making.

(END OF REMARKS.)
Transcribed by: Helen L. Kriebel
Stenotype Reporter

(MR. O'CONNOR'S COMMENTS ON BILL NO. 658-Wednesday, 6/15/94)

Mr. O'Connor:

While we are on the subject of mergers, the City of Pittsburgh I think and its people have a very distrust for mergers and buy-outs from the '80's, nothing to do with this, but simply we have probably held the short end of the stick in the last 10 or 15 years of all these mergers.

So what you are saying, by bringing Liberty here as a hub certainly will benefit us, as far as employees. Where is Liberty now?

Mr. McGorry:

I should clarify, this merger is a merger of the parenting companies of TCI of Pennsylvania. Telecommunications, Inc., of Denver, Colorado is the parenting company of TCI of Pennsylvania. In 1991 the industry had anticipated that federal legislation which resulted in the '92 Cable Act would prohibit companies from certain vertical integration, in other words, owning programming services as well as distribution. At that time the company had an arm called Liberty that owned a substantial interest in a lot of the programming services; the channels such as Encore, Express Exchange, American Movie Classics, Black Entertainment Television. In anticipation of that legislation, the company spun those interests off to its own share holders and established a new company called Liberty Media Corporation. In 1992 the Cable Act passed and the Cable Act established measures that would allow for those relationships to exist and also establish safeguards to protect the consumers against any advantages the companies would be able to use from those vertical and horizontal relationships.

So the reason for the separation of the two entities in 1991 no longer exists, so to take advantage of cost efficiencies of operating as one unit, we are only attempting to re-merge the two companies that were one only three years ago.

Mr. O'Connor:

We talk about cost efficiency. It is good for you to have cost efficiency, and whether you pass it to us is another story. Where is Liberty's headquarters now?

Mr. McGorry:

Liberty's headquarters is in Cheyenne, Wyoming. Ultimately the new company, TCI/Liberty holding company, will be housed in Denver, Colorado.

Mr. O'Connor:

Is there a regional Liberty here?

Mr. McGorry:

No. TCI is a subsidiary, and what Deborah was referring to as a regional hub site, we hope to be. Well, we have been designated as a regional service site for the entire Western Pennsylvania region, that happened last year. We would like to expand our assignment to include a greater region than just Western Pennsylvania, but that would be other subsidiaries of TCI/Liberty holding, TCI Cablevision of Ohio, TCI of West Virginia, et cetera.

Mr. O'Connor:

You are saying Pittsburgh may be in competition for the western part of the three states?

Mr. McGorry:

Well, if the trend of the industry continues, we would see ourselves in competition for establishment as a regional hub site, regional service center for much of the eastern United States.

Mr. O'Connor:

There is no guarantee you are going in that direction?

Mr. McGorry:

We are working very hard to establish ourselves as a credible player to the company and to the executive team of the corporation.

Mr. O'Connor:

Right now what jobs -- this isn't going to create any jobs?

Mr. McGorry:

Absolutely. We have expanded --

Mr. O'Connor:

She is saying no; you are saying yes.

Mr. McGorry:

The TCI/Liberty merger itself would not create any more

jobs, no. That will not change the organization structure or our commitments to the city at all with regard to TCI of Pennsylvania; TCI/Liberty merger will not.

Mr. O'Connor:

Do you have a long-range business plan we could see?

Mr. McGorry:

We submitted in the documents pro forma statements that have been submitted to the FCC and the SCC with regard to TCI and Liberty Media. In this industry our long-range business plans are over the next few months, because the regulatory environment changes so often and now new competitors seem to be expressing a desire to enter the market quickly, those long-range plans are difficult to identify.

Mr. O'Connor:

Let me get to the question probably the residents of the City of Pittsburgh are most interested.
How is this going to affect our programming?

Mr. McGorry:

Not at all, no affect.

Mr. O'Connor:

No additional programs?

Mr. McGorry:

No.

Mr. O'Connor:

You mentioned like they had Black Entertainment. Would that be more available to us? It is now anyhow.

Mr. McGorry:

It is now. Again, the former shareholders of TCI, now the shareholders of Liberty, the board of directors of TCI, many of those same people are on the board of directors of Liberty. Those programming interests have not been dictated to us at this level. For instance, we have substantial programming interests on the Liberty end in a service called Video Jukebox; yet, we have not really seen a market or a demand for that service here in this market, so we are not carrying it and the corporate entity doesn't obligate us to carry it.

Naturally the FCC laws do allow for certain advantages of ownership in terms of pricing, but availability to our competitors is mandated and ensured by the Cable Act and again by the FCC rules.

Mr. O'Connor:

When you say "availability to competitors," explain it. In other words, if I have a TV station -- the only person I am thinking of is Eddy Edwards, I know him personally, he has a couple stations. You have to be available to him at a reasonable price?

Mr. McGorry:

I guess the better example is KBL Sports Network, which is a subsidiary of Liberty Media. We cannot have an exclusive carriage arrangement with them because of our relationship. We have to make that programming service available to our competitors, both satellite dish vendors, wireless cable and any would-be competitor that may enter the market, whether it be the phone company or another cable company.

Mr. O'Connor:

If you want to come in with another sports channel, you can't charge us more than you would KBL?

Mr. McGorry:

There are guidelines on the terms and conditions that we can offer, and they can't be discriminatory.

Mr. O'Connor:

Is that what I see? We have a report here from the U.S. Justice Department. They are saying they basically consent to this merger, but they are concerned about anti-competitive practices and measures in here, safeguards?

Mr. McGorry:

That is correct.

Mr. O'Connor:

I am not an attorney, but you are comfortable with these?

Ms. Miskovich:

Yes, Councilman. Councilman O'Connor, on your issue of programming, we looked at that issue. That is a very good point

to raise. We looked at it, though, not just from what we expect what may be practical, but theoretically what could happen with this merger and how it could impact on programming. With your permission, what I would suggest is that perhaps you would hear from both Mr. Wormser and from Mr. Schannauer on what our concerns were, as well, with your permission.

Mr. O'Connor:

You are going to describe to us the programming?

Mr. Wormser:

Just to elaborate a little on what Mr. McGorry said about the effect on programming in the City of Pittsburgh, you would expect that when two companies affiliate and one is a supplier of programming and another is a deliverer of cable services, that there would be a natural tendency to use more of the cable programming from the affiliated supplier. It is an issue that we looked at and an issue that we were a bit concerned about. We concluded that it wasn't that big an issue, at least practically, largely for the reasons Mr. McGorry was saying. But you should be aware that there is a theoretical issue here that there would be a tendency on the part of TCI of Pittsburgh to acquire affiliated programming which will at least theoretically raise the possibility that other programming won't be available to those subscribers in Pittsburgh. There are limitations on that. The FCC has imposed rules that limit TCI, that limit them by requiring that they devote no more than 40 percent of their active channels to affiliated programmers. But to the extent they have room at the moment to increase the amount of Liberty originated programming, you may find that your programming switches over the long term.

Mr. O'Connor:

How much capacity do we have? I pay about 45 a month, I don't know how many channels I have, but can I expect -- are we going to have in the future -- they say we would have 100, 200 programs, or would it take a whole revamping?

Mr. McGorry:

The current system in the City of Pittsburgh has reached pretty much its potential in terms of channel capacity. We do have a few available spaces, and those spaces, as you might expect, are precious resources for us. It is our desire, our plan, and we announced that plan last April to completely rebuild our entire cable communications system in Western Pennsylvania, and that would include the City of Pittsburgh. We have not formally or officially notified the City of our intent to do that. We are hoping that this issue and the rate

regulation issue can be addressed and we can get on with our desire to implement that plan, as well.

Mr. O'Connor:

I will give you two scenarios, then. If we are almost full and there is a demand, you certainly can charge the program people more?

Mr. McGorry:

Well, the programming people, we buy most of the programming, with the exception of leased access programming or info-mercial programming and shopping programs. We pay the programmers for the privilege of carrying their service on our cable lineup.

Mr. O'Connor:

You pay the shopping program?

Mr. McGorry:

With the exception of shopping. We pay for ESPN, MTV, TNT, USA Network.

Mr. O'Connor:

How about KBL and shopping?

Mr. McGorry:

Yes. We do not pay for shopping channels, we do pay for KBL.

Mr. O'Connor:

Why, when the demand is tighter and the competition comes in, why would we be paying them? You should be paying less. Is there a benefit to you and do you pass it on to us, the residents?

Mr. McGorry:

The carriage of channels on the basic and expanded basic levels are now regulated by the FCC rules and regulations pursuant to the Cable Act, so any benefit to the company for adding a particular channel falls under the regulation umbrella, and any benefit that is passed on to the customer. For instance, under the new rules if we experienced a decrease in programming costs, we are obligated to pass that decrease on to the customer at the basic and expanded basic levels.

So again, to find a single example, if one of our programming vendors were to reduce its rates, perhaps due to losing a contract with a major programmer, NFL football or major league baseball, something like that, they may reduce their rates to ensure continued carriage, and we would have to pass that reduction on to the consumer.

Mr. O'Connor:

On this Pay-Per-View, my kids brought wrestling, $30.00. How much do you make on that?

Mr. McGorry:

Typically the Pay-Per-View providers and promoters are on a 50 percent share, but that is just for license fees, and then anything else in terms of administrative costs, advertising, that is outside the 50 percent mark-up.

Mr. O'Connor:

A big major fight, say, that everybody is going to watch and pay for.

Mr. McGorry:

Typically anywhere from 50 to 60 percent is the license fee. The remaining portion is our money to cover our costs and hopefully to earn some money on.

Mr. O'Connor:

Hopefully you earn a lot of money.

Mr. McGorry:

Well, we have been successful on a few. Our initial entry into the Pay-Per-View market was not as successful as we would like it to be, because there are a lot of administrative costs, burdens. Typically those events are on in the evening or late at night and we have to staff overtime hours to support those events.

Mr. O'Connor:

But as those events get more popular, you make more money, you are in business to make money, does that affect us? If you make a big hit on a big fight, does that affect our rates?

Mr. McGorry:

No, that does not affect at all the rates for basic or expanded basic service, any of the regulated services. In does, certainly, increase the share of franchise fees that we would pay to the city.

Mr. O'Connor:

My next question is, all this, how does it affect our rates, city residents' rates, all these merges? You are telling me as you make more money, we still don't see a benefit.

Mr. McGorry:

Maybe as an example I could point out that Congress commissioned the FCC as part of the Cable Act to study the migration of popular programming, particular sports programming like the Super Bowl or the World Series, from either broadcast TV or regulated cable service to Pay-Per-View. The FCC concluded that that had not, in fact, occurred. So advertisers that pay to have their commercials run on broadcast TV are still going to do that for events like the Super Bowl, All Star Game, et cetera, and maybe lesser big events that are now on cable are still on there.

So I think the Pay-Per-View business is something that we want to grow our business forward and hopefully return the investment that we are attempting to make here in this marketplace.

The full service network that we are attempting to construct here would have the channel capacity to greatly enhance the choice of the viewer: Video on demand, ordering movie from a library of movies similar to a videotape rental house and have the movie at your convenience in your leisure in your home. So yes, we hope to make money on that and we hope to return an investment in the new system.

Mr. O'Connor:

That is what I was looking for. The return investment should benefit all of us. But as you expand -- you are almost full and you are ready to double or triple -- do we have to pay for that or do you have that money? In other words, do you have to change my box at home, do all these things to expand your programming?

Mr. McGorry:

We have taken a position all along that our new venture and the construction of our new network will be paid for with new business ventures, new opportunities, new technologies, new application of technology.

Mr. O'Connor:

You will not come back next year and say, "We want to double your capability, and to put new installation in" it will cost me $20.00?

Mr. McGorry:

In a regulated environment you would certainly have the review of any proposal like that. And the FCC has established the regulatory guidelines and the city has certified to enact their right and privilege to regulate those service levels.

Mr. O'Connor:

My last question, again, the city residents want to know, the main thing besides programming would be rates. If we approve this today, what rate effect is it going to have on our taxpayers and our residents tomorrow?

Mr. McGorry:

This will not have any immediate impact or direct impact on the rate base to the subscriber.

Mr. O'Connor:

Now or in the future?

Mr. McGorry:

In the future, as alluded to, we hope to enjoy some efficiencies created by the combination of the two companies, and those efficiencies occur in overhead and things like that. Naturally, those things are factored into calculating our cost of doing business. So indirectly in the future, we hope to enjoy some benefits, and if we enjoy some benefits, our consumers will, as well.

Directly related to this merger, it really will not make a difference to the consumer tomorrow.

Mr. O'Connor:

If anything, we should have a benefit down the road, and you are also talking about more potential expansion of more employees here.

Mr. McGorry:

That is correct.

Mr. O'Connor:

Dave, will you as our paid consultant agree with that, disagree?

Mr. Wormser:

I agree with Mr. McGorry that the TCI/Liberty merger will have no direct benefit to subscribers in the form of rates certainly in the near term. Over the long term, at least the way the current regulations are structured, while TCI may find it in the best interest in a business matter to pass along savings to subscribers, there will be no requirement that they do so. I wouldn't expect that the merger would harm subscribers in the form of additional rates in the near term. There is an FCC regulation that prohibits TCI from raising rates for programming from affiliated suppliers by more than the rate of inflation. So TCI is limited in its ability to jack-up the price for Liberty programming in order to enrich itself.

Over the longer term, it depends on what sort of rules the FCC implements to deal with the expansion of networks to 500 channels and how they go about protecting subscribers. In the last couple of weeks the Chairman of the FCC has indicated an intention to adopt some new regulations that will encourage further expansion and take away some of the pain and agony that cable companies have suffered at the hands of the FCC's recent regulations. What those moves will look like and how they will affect subscribers and how ultimately the affiliation of TCI with the cable program supplier is going to factor into that is anybody's guess at this point.

But at this moment, the competitive concerns, the rate concerns, don't seem to be anything more than remote theory. On that basis, we see no particular reason to disapprove of the merger.

Mr. O'Connor:

So our residents have no problem? They will not pay for any more?

Mr. Wormser:

Your residents have no problem that we can identify under the current regulations.

Mr. O'Connor:

In this anti-trust bill as far as competition and that, TCI basically has a monopoly here. How feasible is it for someone else to come in? Not that it has to happen.

Mr. Wormser:

The expectation is that others are coming in and will come in, the real question is how long it will take. There are other technologies that don't require wires under the street, direct broadcast satellite, something called "MMDS," millimeter microwave distribution services, that can deliver multiple channels of programming. Bell Atlantic has announced its intention to get into the video market, first video dialtone providing access to other people's video services and ultimately its own programming in competition with TCI. There are other technologies on the way that will ultimately result in competition. It really is a matter of how long it will take. It will not be there tomorrow or the next day. But just as Bell Atlantic is facing competition in what was once a complete monopoly for local telephone service, competition, it will ultimately come. Moves like the consent decree and the statute, the Cable Act of 1992 and the regulations implementing that statute, are intended to make competition more feasible by making programming available to competitive suppliers of cable services.

Mr. O'Connor:

Competition is coming?

Mr. Wormser:

Whether it will be here next year, next century --

Mr. O'Connor:

We are not sure if it will be better or cheaper, we are just saying --

Mr. Wormser:

The theory is if it isn't better or cheaper, then it won't have an impact as a competitor, it won't find a hole in the market. Generally the expectation on the part of free market economists and at this point Congress under the 1992 Cable Act is that competition will cause everybody involved in the market to be more efficient and to reduce their prices to the lowest level possible in order to gain market share.

Mr. O'Connor:

Without knowing when that competition is coming, how long is our contract with TCI?

Ms. Miskovich:

1999.

Mr. O'Connor:

We have five or six more years?

Ms. Miskovich:

Not really. The contract expires in 1999; however, we will be making some very important decisions about what we are going to do with our franchise agreement within, I suspect, one year. Do you agree, Ashley, that we will have to start?

Mr. Schannauer:

We have been told that any rebuilding of a city system is going to be accompanied by a request to extend the franchise.

Mr. O'Connor:

Is that like fiber optics, things like that? Is that going to be part of the new agreement?

Mr. McGorry:

Our intention is to implement the same construction, what we call fiber optic, to the neighborhood architecture that we are now deploying in several suburban communities here in the City of Pittsburgh which would allow city subscribers to receive greatly expanded channel capacity on a single wire system, as opposed to the dual wire system we have today. And that would be, certainly, a very, very significant investment, a huge capital project. The Western Pennsylvania marketplace estimates for that capital is well over $100 million, and we would certainly come in and propose to the city some type of renewal, request/renewal arrangement prior to the construction of that.

Mr. O'Connor:

Where are you doing that now in suburban places?

Mr. McGorry:

Several communities in the Beaver Valley, several communities in the Mon Valley, as well. We identified areas of greatest need in terms of the age of the system and channel capacity and addressed those communities first.

Mr. O'Connor:

If you did that next year, are you looking at just a longer term, maybe five years, or are we going to have to pay for that? Is that your capital expenses?

Mr. McGorry:

We would certainly want to know that we are going to have an agreement to operate in the city and a business arrangement with the city.

Mr. O'Connor:

I don't expect you to put $100 million in without some pay back.

Mr. McGorry:

Again, we plan to acquire our return on this investment through new businesses, new technology, new service offerings that are really outside what we know as traditional cable television.

Mr. O'Connor:

In Beaver County is it costing the residents any more?

Mr. McGorry:

Not at this time, no. Basic and expanded basic equipment and installation charges are regulated the same as they are here.

Mr. Wormser:

Councilman, without suggesting that TCI is planning on this approach, the general understanding is that most of what comes by way of additional channels and the 500 channel universe will be programming that you pay for separately, either premium channels, at least under the current lingo, or additional tiers which, if they are regulated, will be lightly regulated.

Mr. McGorry:

If I might add, we about two weeks ago held a demonstration of some applications for the educational community over at Carnegie Science Center. And each channel is a valuable space in the pipe or band within the pipe, and utilizing a piece of that band width to allow the educational community greater access to the world's information libraries, the info-net to provide video teleconferencing applications, access to

specialized teaching applications, access to teachers for disabled children, sick children, et cetera. We had a demonstration over at the Carnegie Science Center a few weeks ago. Those are some of the things that a channel can be used for and those are certainly a new business application.

Mr. O'Connor:

All these new business things, especially education things like that, if you put them in the schools and bring all this expansion -- anybody can buy cable, nobody is forced to buy it, either. But I think one of the questions is if you are going to do it as a capital investment for future business with a longer term lease, that is a good business deal for both of us. But a lot of people are worried as you are doing these things. Our senior citizens who have no interest or need for it, are they going to have to be paying any of this?

Mr. McGorry:

We believe that there is going to continue to be a demand for the traditional core product, the basic cable television service, and we have a commitment and a strong desire to be the main provider or fulfiller of that demand. But we also want to grow our company and grow our business by investing in new technology and entering into new business arenas. As Mr. Wormser mentioned, other companies are anxious to enter into our business environment, as well.

(Deleted text.)

Mr. O'Connor:

A couple quick questions, I know the hour is getting late.

I believe you have been very good corporate citizens, and I think you have done a nice job, especially your PSA's are very good. I am impressed with hearing your hiring quality of minority and women, the percentage. I am impressed with the percent of city residents.

The question did come up about some complaints on service, and once in awhile I will get a call on them. I know at home we had 20 kids in my living room waiting for the wrestling match and it went out, but you fixed it right away. So my one or two problems you solved right away.

How do we judge the quality? Do we have a system in with customer service, how many complaints they get?

Ms. Miskovich:

Yes.

Mr. O'Connor:

How do we regulate that? Do we know if they are doing a good job or not?

Ms. Miskovich:

We have a mechanism internally in the City of Pittsburgh in our Cable Bureau out of the Department of General Services where residents can call us directly. In fact, I believe that on the bills that TCI issues to each and every subscriber there is a telephone number made available to them. Under the City Code of Ordinance, if there are any complaints and arguments between TCI and a subscriber, under the Code, as you know, you all have named me as the mediator for those complaints.

I see that Mr. Wormser has just passed over to me what I was referring to earlier. If you don't mind terribly --

(Deleted text.)

Ms. Miskovich:

Councilman Smith's bill, which I have before me, has at the bottom written, I quote, "Your franchise authority's name and address is City of Pittsburgh, 901 City-County Building, Pittsburgh PA 15219, FCC ID number." I don't see our telephone number here.

Mr. McGorry:

That has been modified as a result of the new FCC requirement, and we also added to that at the request of the Cable Bureau that, "This is not a payment center. Please remit your payment center to TCI."

Ms. Miskovich:

We were getting their money and we didn't want them having late payments.

Mr. O'Connor:

Do you have an in-house quality control, how many complaints you get, how you solve them, something that you would be able to share?

Mr. McGorry:

Yes. The guidelines that were referred to earlier in terms of customer service standards that were established by the FCC pursuant to the Cable Act are guidelines that we as a company have voluntarily adhered to without the franchising authority

mandate, and we have complied with these guidelines in every experience over the last two years, with the exception of last September when the rates were changed and the hugh volume of phone calls and resulting confusion, we did fall below the standards for answering phones in a given time periods, et cetera. We track those at our office on an hourly basis. We provide those from time to time to the City Advisory Committee at request when time comes. I think two months ago I had given them an update of that.

Mr. O'Connor:

Our Advisory Board monitors that?

Mr. McGorry:

From time to time they periodically ask me for a review. I think I gave them an overview of that, our recent performance, about two months ago.

Ms. Miskovich:

It is a good point, Councilman O'Connor. What I will do is get Council a summary of the complaints that we have been addressing through the Cable Bureau for '94 and I will have them tracked back to '93. That will give you the big picture. I am also going to request of TCI of Pennsylvania that they give us a summary report. The report that Mr. McGorry is referencing was two months ago, it was prior to my coming on. I didn't see that report and I am sure he will provide a copy to me and I will pass it on to you all.

Mr. O'Connor:

Our Advisory Board, which we all appoint someone to, should be letting us know they are doing good, fair, whatever it may be.

I guess in summary, though, we are saying that this has no effect on the programming or the cost, and the biggest benefit is the potential of your growth in the region and to create more jobs.

(END OF REMARKS.)
Transcribed by: Helen L. Kriebel
Stenotype Reporter

MUNICIPAL RECORD

Proceedings of the Council of the City of Pittsburgh

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Municipal Record

ONE-HUNDRED TWENTY-EIGHTH COUNCIL

JIM FERLO.....President
LINDA M. JOHNSON-WASLER.....City Clerk
KURT J. SALAC.....Asst. City Clerk

Pittsburgh, PA
Tuesday, June 28, 1994

PRESENT:

Mr. Cohen	**Mr. Onorato**
Mr. Cusick	**Mr. Ricciardi**
Mr. Hertzberg	**Mr. Smith**
Mr. O'Connor	**Mr. Ferlo (Pres't)**

The Chair:

We have a quorum.

Good morning everyone. I would ask that you all please rise for the Pledge of Allegiance and please remain standing for a moment of silent prayer so that we may have peace throughout the world.

We are very honored and pleased this morning to have a young student from Manchester Elementary School, 4th Grader, in Councilman Smith's District, her mom is here, Ms. Sylvia Steele. Julnee Steele, would you please lead us in the Pledge of Allegiance.

Julnee Steele:

I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with Liberty and Justice for all.

The Chair:

Thank you. Thank you, Julnee, we appreciate you coming down today with your mom. I hope you have a good summer. I want to give you the City flag and the United States Flag as a remembrance. Thank you very much, Ms. Steele.

PRESENTATIONS

The Chair:

Ladies and gentlemen, we have a number of honored guests in the audience today, and at this time I would like to call on Councilman Bob O'Connor.

Mr. O'Connor:

Thank you, Mr. President. Jack Owens and Jim Campbell, please come up from the Barbershop Quartet Singing group. In fact, don't you think it is appropriate, Jim, that we sing "Take Me Out to the Ballgame" now or later?

The Chair:

Whatever you would like to do.

Mr. O'Connor:

Do we want to respond to last week's --

Jack is the Civic Relations for the convention. They are bringing a convention in of over 12,000 Quartet Singers next week.

MR. O'CONNOR PRESENTS

No. 718 WHEREAS, the Society for the Preservation and Encouragement of Barbershop Quartet Singing in America was founded in 1938, and has since grown to more than 37,000 members in the United States and Canada; and,

WHEREAS, this barbershop Society is well known for generously supporting of "Heartspring", a leading national organization in research and education to aid the hearing and speech impaired, in addition to supporting such local organizations as Pittsburgh Hearing, Speech and Deaf Service, Inc.; and,

WHEREAS, "Barbershoppers" are well known in their communities for entertaining at senior citizen centers, hospitals, parks, fairs and numerous other events, for assisting organizations that need to raise funds, and for singing to anyone who wants to listen.

WHEREAS, the Society will be holding its 56th Annual International Convention here in Pittsburgh, hosted by the Greater Pittsburgh Chapter, and will include an exciting program of competing barbershop quartets and choruses from Ontario, the British Isles, and Scandinavia; and,

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby commend the Society for the Preservation and Encouragement of Barbershop Quartet Singing in America, for their charity and talent, and declares the week of July 3 through July 10, 1994, to be "Barbershop Singers Week" in the City of Pittsburgh.

MR. O'CONNOR moved to adopt the resolution.

MR. RICCIARDI seconded the motion.

Which motion prevailed.

Mr. O'Connor:

So, we are going to have 12,000 of you people running around singing all week.

Mr. Owens:

All week, and especially on Friday, the 8th.

Mr. O'Connor:

Well, come on up, Jack, I want you to say a few words and tell us about your convention, please.

Mr. Owens:

Well, it will be truly international because the British Isles, Sweden Barbershoppers, as well as Canada, Australia. They will be here 10 to 12,000 strong with their families, and we are just going to make a big musical event for you for the whole week, especially Friday at noon, all of you are invited, if you want to take your lunch hour, down at Mellon Square and you will hear 4 to 5,000 barbershoppers singing at one time, just flooding the square. Be there, the music is great.

Thank you, Council, for this proclamation.

Mr. O'Connor:

Thank you.

The Chair:

Thank you, Councilman O'Connor.

Councilman O'Connor, do you have anything to be read into the record.

Mr. O'Connor:

I have one to be read into the record.

The Chair:

Please.

Mr. O'Connor:

Actually this is my 14th Ward Little League and --

The Chair:

We are disappointed.

Mr. O'Connor:

-- I am one of the coaches. We won our championship and came from behind, we were losing 8-4 in the last inning and came back and won 9-8, so --

The Chair:

Well, we applaud you for being a coach.

Mr. O'Connor:

Great coaching strategy that did it.

MR. O'CONNOR PRESENTS

No. 719 WHEREAS, the 14th Ward Baseball Association's Intermediate League held its Championship game on Thursday, June 23rd, 1994, at Wightman Field in the City of Pittsburgh; and,

WHEREAS, one of the greatest and most exciting games ever played in the history of the 14th Ward's Intermediate Division's took place between two fine teams, the Pirates and the Phillies; and,

WHEREAS, the Phillies, after a tough year in 1993, came back and posted a solid 15 win, 1 tie, and 1 loss record in 1994 and won the above mentioned Championship game, coming from behind to earn a 9 to 8 victory; and,

WHEREAS, the following members of the 1994 Phillies are hereby commended for their sterling play, sportsmanship, and dedication:

PLAYERS

Ben Boas Michael Day
Bill DunnRobert Kelly
Matt Naisel Charley Monroe
Matt Notovitz Corey O'Connor
Dan Roukous James Roukous
Ben Samuels Sam Wechsler
Tom Wechsler

COACHES

Mike Samuels, Manager Mark Maisel
Bob O'Connor Paul Boas
Wes Notovitz

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh congratulates the Phillies on the occasion of their Championship and commends each member of the Phillies for their hard work, dedication to their common purpose and the great game of baseball.

MR. O'CONNOR moved to adopt the resolution.

MR. SMITH seconded the motion.

Which motion prevailed.

The Chair:

Councilman Onorato, do you have one to be read into the record?

Mr. Onorato:

One for the record, Mr. President.

The Chair:

For the record. Where's the honoree this morning?

Mr. Onorato:

We read it at the church.

The Chair:

Very good.

MR. ONORATO PRESENTS

No. 720 WHEREAS, Most Holy Name Church's cornerstone was laid on August 26, 1866 and was dedicated on June 7, 1868. Father Suitbert Mollinger was appointed the first pastor; and

WHEREAS, a room in the rear of the church was used as a classroom for 25 children beginning in September of 1868. In 1874, Most Holy Name School was built and the Sisters of Notre Dame came to take over the responsibility of educating the children; and

WHEREAS, Father Mollinger built a rectory on Hazel Street, as well as St. Anthony's Chapel using his own resources in 1892, the Chapel and the Rectory were purchased by the Parish after a controversy over the ownership of these buildings; and

WHEREAS, in 1892 the church was expanded. The Sanctuary, the sacristy and the side entrances were added in 1898; and

WHEREAS, in 1905 it was decided a new school building was needed and in 1907 the new school was dedicated; and

WHEREAS, in 1928 the parish celebrated its 60th anniversary; and

WHEREAS, between the years of 1935 and 1951 parish improvements were limited due to the Great Depression and Second World War. During this time, THE HARVEST FESTIVAL, one of the parish's most successful events was begun; and

WHEREAS, in 1952 the church was completely renovated and a baptistery was added on the left side of the church, and a new organ was purchased; and

WHEREAS, in 1968 the parish celebrated its 100th anniversary with Bishop Wright as the main celebrant; and

WHEREAS, on March 29, 1979 the school was destroyed by a tragic fire. Parishioners showed their concern by joining in a clean-up operation. Students were bussed to St. John The Baptist school until the new school was opened in 1982; and

WHEREAS, in 1983 the parish celebrated the 100th anniversary of St. Anthony's Reliquary Chapel. Also in this year the Summer Festival was begun.

WHEREAS, work on Church renovation began in March of 1984. The dedication ceremony was h held on June 19, 1985 when a new altar was dedicated by Bishop Anthony Bosco; and

WHEREAS, in May 1991, a committee was developed to raise funds for PROJECT HEART. This project was to provide a ramp and tunnel access to various parish buildings to accommodate all parishioners. Ground was broken for the beginning of this ramp on February 14th, 1993.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh congratulates Most Holy Name Parish on its celebration of its 125th anniversary.

MR. ONORATO moved to adopt the resolution.

MR. O'CONNOR seconded the motion.

Which motion prevailed.

The Chair:

Again, we want to applaud Mrs. Onorato, your mom, on her retirement, over 30 years in service to the parochial school system. Thank you.

Councilman Ricciardi, do you have something to be read into the record?

Mr. Ricciardi:

Mr. President, yes, to be read into the record.

MR. RICCIARDI PRESENTS

No. 721 WHEREAS, the Grandview Design Team, made up on members from Grandview Elementary School and the community, submitted a proposal and received a grant from the U.S. Department of Education Drug Free Schools and Communities programs for a program entitled "Drug Resistance Through Positive Self-Image" to be implemented during the 1993/94 school year; and,

WHEREAS, the "Drug Resistance Through Positive Self-Image" program seeks to empower children with the skills to resist drug use by involving parents, community members, students, and teachers in a series of educational and recreational activities which simultaneously promote positive self image among students and provide necessary drug resistance information; and,

WHEREAS, the "Student Component" consists of direct instruction on a daily basis to help students develop healthy, positive attitudes about themselves, pride in their families, and community awareness, a "Quilt Project" with each homeroom having a square on which to develop a drug resistance theme, a 5th grade overnight Retreat to Jumonville to participate in the "Ropes Course" to foster self-esteem, teamwork, and physical fitness and "Fun Day: A Drug Free Community", a day of total student, parent, and community participation featuring the reading of students' original anti-drug themes, display of the Quilt, and various other activities; and,

WHEREAS, the "Parent Component" consists of a "Parent/Resources Center" at Grandview

School containing literature and resources on enhancing self-esteem and drug resistance, a monthly lecture series, a dedicated phone line to provide information on the lecture series and drug-resistance topics, and a newsletter; and,

WHEREAS, the "Teacher Component" consists of "Conflict Resolution" training, revising the master schedule to insure implementation of the PRIDE curriculum, participating in the Jumonville Retreat, and acting as liaison the Parent/Community Resource Center.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Pittsburgh hereby congratulates the students, teachers, parents, and surrounding community of Grandview Elementary School for their excellent planning and implementation of the "Drug Awareness Through Positive Self-Image" program this past school year.

BE IT FURTHER RESOLVED that the Council of the City of Pittsburgh hereby declares Friday, June 17th, 1994, as "Drug Awareness Through Positive Self-Image" Day in the City of Pittsburgh.

MR. RICCIARDI moved to adopt the resolution.

MR. SMITH seconded the motion.

Which motion prevailed.

The Chair:

Thank you, Mr. Ricciardi.

Mr. Ricciardi:

Thank you, Mr. President.

The Chair:

That concludes all of our proclamations. We respect all the honored guests who came down here today.

At this time I will move into Presentation of Papers.

MR. ONORATO PRESENTED

No. 722 Resolution providing for the issuance of a $1087.50 warrant in favor of Paul F. Costa in settlement of claim for sidewalk damage due to City tree roots at 5808 Bryant Street, charging same to Code Account No. 46, Judgments.

Also,

No. 723 Resolution providing for the issuance of a $3800.00 warrant in favor of Robert and Rita Waters in settlement of claim for property damage due to a collapsed sewer pipe causing sewer to backup, charging the same to Code Account No. 46, Judgments.

Also,

No. 724 Resolution providing for the issuance of a warrant in the sum of $10,000.00 to Ronald D. Bereksazi and Anna Bereksazi, his wife c/o Dominic D. Salvatorie, Esquire, Jack L. Cherkin, P.C., 1034 Fifth Avenue, Suite 3, Pittsburgh, Pa. 15219, in full settlement of an alleged accident occurring on Crane Avenue on or about November 28, 1990 which gave rise to the filing of a law suit at GD92-20473.

Also,

No. 725 Resolution providing for the issuance of a $3443.88 warrant in favor of Avis Rent A Car System, Inc. in settlement of claim for automobile damage incurred as the result of a chain reaction accident involving a City Water Department vehicle on the Fort Pitt Bridge, charging same to Code Account No. 46, Judgments.

Also,

No. 726 Resolution providing for the issuance of a $1030.00 warrant in favor of Nancy & Stewart Smith in settlement of claim for sidewalk damage due to City tree roots at 428 Denniston Street, charging same to Code Account No. 46, Judgments.

Which were severally read and referred to the Committee on Finance.

Also,

No. 727 Resolution that the Directors of Departments of Public Works and General Services are hereby authorized and directed to remove the garbage bins, dirt, concrete and asphalt dumping, and all other City Department dumping facilities

from Riverview Park.---(SPONSORED BY MR. ONORATO)

Which was read and referred to the Committee on Public Works.

Also,

No. 728 An Ordinance amending the Pittsburgh Code, Title Six - Conduct, Article I - Regulated Rights and Actions, Chapter 603 - Parades and Crowds, to require that the Department of Public Safety, Bureau of Emergency Medical Services determine whether City of Pittsburgh Paramedics must be employed by persons or organizations conducting public events; by adding Section 603.01(c) and Section 603.02(b).---(SPONSORED BY MR. ONORATO)

Which was read and referred to the Committee on Public Safety.

MR. SMITH PRESENTED

No. 729 Resolution providing for a Cooperation Agreement or Agreements with the Housing Authority of the City of Pittsburgh for the administrative and implementation of the "Rehabilitation and Modernization of Housing for Low & Moderate Income Families" at a cost not to exceed $1,000.000.00, chargeable to and payable from the 1994 CDBG Program "Rehabilitation and Modernization of Housing for Low & Moderate Income Families" Project No. 04-65-01-0001-94-380-94-65, Index #876607.

Which was read and referred to the Committee on Planning, Housing & Development.

The Chair:

At this time we will move to Reports of Committees. Are there any Unfinished Business matters or any Reports of Special Committees? No.

REPORTS OF COMMITTEES

MR. ONORATO PRESENTED

Bill No. 730

Report of Committee on Finance for June 22, 1994 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with a **NEGATIVE** recommendation,

Bill No. 681

A Resolution entitled, "Resolution approving borrowing of the Urban Redevelopment Authority of Pittsburgh for the purpose of providing funds for the Business Reinvestment Fund; authorizing incurring of lease rental debt in the amount of $_____; stating that debt to be incurred is lease rental debt;---(NEGATIVE RECOMMENDATION)

Which was read.

The Chair:

On Bill 681, it technically has a negative recommendation. Procedurally, we technically must recommit this bill to tomorrow. We do not have the specific amount of the bond issue and its cost, which is required for final action.

What I would suggest is we recommit the bill, vote on it tomorrow morning, recess this meeting and vote on it immediately following the Standing Committee Meeting tomorrow.

Mr. Onorato, it is your committee?

Mr. Onorato:

That's fine.

The Chair:

I need a motion.

Mr. Onorato:

I mean we have no choice, basically, that's as fast as we can do it.

The Chair:

Motion to recommit is in order.

MR. RICCIARDI seconded the motion.

The Chair:

Motion to recommit, there's a second; discussion on the recommital?

I just want to clarify, I am not looking to reopen the debate and dialogue, although I think there would want to be some additional discussion given the altering of the agreement, thanks to this Council; however, procedurally whenever we vote for bond issue on final action, we have to legally know the specific numbers, they are not available, they will be available tomorrow morning. If we recommit the bill, we can have preliminary vote and final action and with a Recessed Legislative Session tomorrow.

Mr. O'Connor, on the motion.

Mr. O'Connor:

Late yesterday afternoon we got the whole package on the bond issue.

The Chair:

We have everything but the actual cost associated with the interest rate. Procedurally it is always the case that this Council, prior to the final action, will know and can place into the actual legal resolution the specific interest payments. Those figures won't be known until tomorrow morning. This is actually nothing -- there's no anomaly here, this is nothing different than every other bond issue this Council has ever floated.

Other discussion on the motion to recommit? All in favor? The motion carries.

WHICH MOTION PREVAILED.

Also, with an affirmative recommendation,

Bill No. 682

A Resolution entitled, "Resolution providing for the transfer in the amount of One Million Sixty-Nine Thousand Seven Hundred Seventy-Two Dollars ($1,069,772.00) from Code Account 45, Index Code 004507, Health Insurance to Code Account 53, Index Code 005306, Debt Service Auditorium of Pittsburgh and Allegheny County.

Which was read.

Also,

Bill No. 683

A Resolution entitled, "Resolution providing for an Agreement or Agreements with Consultant or Consultants to provide programming and technical support for the computerized crime mapping and crime analysis system for the Bureau of Information Systems, Department of the Mayor, at a cost not to exceed Sixty-Five Thousand Dollars ($65,000.00) payable from Code Account 1043, Index Code 104307, Miscellaneous Services, and for payment of the costs thereof.

Which was read.

Also,

Bill No. 684

A Resolution entitled "Resolution providing for the professional services agreements or agreements for the provisions of training City employees in the use of personal computers and personal computer software packages at a cost not to exceed Thirty-Five Thousand Dollars ($35,000.00), payable from Code Account 1043, Index Code 104307, Miscellaneous Services and for the payment of the costs thereof.

Which was read.

Also,

Bill No. 686

A Resolution entitled "Resolution amending Resolution No. 951, effective August 16, 1993, entitled, "PROVIDING for a lease with M. Berger Land Company for an initial term of five (5) years at an annual rental of $7,300.00, solely for the purpose of parking vehicles, the former site of the City's River Rescue operations, located on the Monongahela River between South 4th and South 6th Streets, 17th Ward. The south side of the property abuts the CSX Railroad Tracks.

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Ricciardi
Mr. Hertzberg	Mr. Smith
Mr. O'Connor	Mr. Ferlo
Mr. Onorato	(Pres't)

AYES 7 NOES none

The bills having received the legally required number of votes are passed finally.

MR. SMITH PRESENTED

Bill No. 731

Report of Committee on Planning, Housing & Development for June 22, 1994 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 549

An Ordinance entitled "An Ordinance amending the Pittsburgh Code, Title Nine, Zoning, Article III, Chapter 921, Section 921.02, Zoning District Map No. 7, by changing from "M4" Heavy Industrial District to "A1" Commercial-Residential Associated District all that certain property bounded by Bingham Street, South 10th Street, a line located 75 feet north of and parallel to the Bingham Street right-of-way and South 9th Street, 17th Ward.

Which was read.

The Chair:

Mr. Ricciardi.

Mr. Ricciardi:

Thank you, Mr. President.

This zoning change will allow for an exciting, fascinating project to occur in the South Side of Pittsburgh in the McIntosh-Hemphill Buildings; that is, a European Bed and Breakfast, a small cafe restaurant and also some office space with an abundance of parking. So, parking will not be a problem on the South Side.

Again, as I stated during the public hearing, I really would like to thank my colleagues that served on the past City Council for their courage in designating these buildings as historic. Others said that development could not occur within these buildings and it is occurring. The buildings are staying, they'll continue the historic flavor of the South Side of Pittsburgh with a very exciting project and still allows us to have a buffer away from the parking, something that would have not occurred before.

And, specifically, I would like to thank Councilman Jim Ferlo, who took much of the lead in the historic designation of these buildings and whatnot, and because of that we have showed that we do not have to take ultimatums, when someone says that, if you don't take my project, something will not happen there. It shows that the South Side community, the community groups and the residents can go out and come up with their ideas, and developers will stand up, and this developer not only has a good track record in the South Side of Pittsburgh, Mr. Tom Tripoli, but he also lives in the South Side, and I want to thank him for all this hard work.

The Chair:

Thank you, Mr. Ricciardi, for your comments. I would like to applaud your initiative also, and also the efforts of the South Side Local Development Council, the planning forum, the citizens groups and the developer, Mr. Tripoli, in particular. It is always the case, probably 99 percent of the time that each piece of property and building has a higher and better use than to knock it down, demolish it and have an ugly surface parking lot. This is a tremendous building that will

generate taxes for our City, it fills an unmet need, it is a very exciting part and will be a vibrant part of one of the most viable business quarters that we have in this City, outside the Downtown, and that is the South Side business quarter. All of that has happened as a result of a lot of hard work by the residents and planners and people who like to dream not in their sleep but dream during the day and put their actions to good deed.

So, I want to applaud the initiative.

Any other discussion on the bill? Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen Mr. Ricciardi
Mr. Hertzberg Mr. Smith
Mr. Onorato Mr. Ferlo
(Pres't)

AYES 6 NOES none

The bill having received the legally required number of votes passed finally.

MR. COHEN PRESENTED

Bill No. 732

Report of Committee on Public Safety for June 22, 1994 transmitting two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 679

A Resolution entitled, "Resolution amending Resolution No. 352, approved May 19, 1994, entitled, "Resolution providing for an Agreement or Agreements with organizations for operational/administrative expenses, maintenance, purchase of equipment; and/or minor rehabilitation of neighborhood facilities for the benefit of the residents of the City of Pittsburgh," by increasing the amount allocated to the Mel Blount Youth Home by $2,000.00 from $10,000.00 to $12,000.00.---(SPONSORED BY MR. COHEN)

Which was read.

Also,

Bill No. 700

A Resolution entitled, "Resolution providing for the letting of a contract or contracts or use of existing contracts for the furnishing and delivery of equipment for the Department of Public Safety, Bureau of Building Inspection at a cost not to exceed seventy-five thousand dollars ($75,000.00) chargeable to and payable from Bureau of Building Inspection Trust Fund (BBITF), Index Code 250233.

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Hearing none, the bills are now ready for final action.

All in favor of the passage of the bills will voted "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen Mr. Ricciardi
Mr. Hertzberg Mr. Smith
Mr. Onorato Mr. Ferlo
(Pres't)

AYES 6 NOES none

The bills having received the legally required number of votes are passed finally.

MR. CUSICK PRESENTED

Bill No. 733

Report of Committee on Engineering and Construction for June 22, 1994 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 654

A Resolution entitled, "Resolution providing for a Contract or Contracts, or use of existing Contracts, for Construction of Handicapped Ramps in Various Communities throughout the City of Pittsburgh; and providing for the payment of the costs thereof, at a cost range of $450,000.00 or more but less than $550,000.00.

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Ricciardi
Mr. Hertzberg	Mr. Smith
Mr. Onorato	Mr. Ferlo (Pres't)

AYES 6 NOES none

The bill having received the legally required number of votes passed finally.

MOTIONS AND RESOLUTIONS

The Chair:

Under Motions and Resolutions, Mr. Cohen.

Mr. Cohen:

Mr. President, I would like to move to untable Bill 618, which is permission to enter into an agreement with Carnegie Mellon University in connection with the construction of the building over a City sewer. That bill was tabled last Wednesday. We did have a discussion yesterday, Councilman Ricciardi, who is the Chair of that committee, as well as other Council members, and CMU and the City Solicitor, and I believe that we have an agreement that this should now be passed here in Council. Obviously it is an important project and one in which the Solicitor has to negotiate with CMU, and that is what this bill does, is it asks CMU to -- excuse me, it passes to the Solicitor the right to negotiate with CMU over this proposal.

The Chair:

Just on the motion itself, I obviously support the motion, I want to move quickly and get this resolved; however, I have to rule your motion out of order. We have to untable a bill at a committee session. The suggestion was that Mr. Ricciardi would make the motion to untable the bill tomorrow in committee, we discuss it, we have a preliminary vote, which is required under the Council Rules and Home Rule Charter. There must be a preliminary vote on a bill. We cannot untable a bill in a Legislative Session. However, since we are recessing the meeting we can have final action tomorrow on this bill.

So, accordingly, I would suggest, procedurally, that the bill be untabled by Mr. Ricciardi, Chair of that committee, tomorrow in the session, which we all support, we move quickly on voting it tomorrow and we have final tomorrow along with the bond issue.

Mr. Cohen:

That's fine, Mr. President. No one told me that was going to be how we were going to do it, but --

The Chair:

Well, I informed Mr. Ricciardi as Chair of that committee.

Mr. Cohen:

That is fine. We have untabled bills at Legislative Sessions before, but you are saying the policy now is we will not untable a bill at a Legislative Session?

The Chair:

Never in my five years have I untabled a bill at a Legislative Session, because the --

Mr. Cohen:

We have done it before. I'll find it.

The Chair:

Please find it.

But, in any event, first of all I support the bill, so I am not raising any procedural issue here, I am just saying, technically speaking we have to have a preliminary vote. In order even to record the docket for the City Clerk there has to be a preliminary vote in committee and then a recommendation.

Mr. Cohen:

That is fine.

The Chair:

I support moving quickly on this tomorrow.

Any other discussion on this issue?

So, again, I am going to rule the motion out of order; however, recognizing the Chair will untable the bill tomorrow in committee and we can have the final vote.

Mr. Onorato.

Mr. Onorato:

Yes, a different issue.

Mr. President, I brought up this issue several months ago and it is actually getting worse, so I want to just address it now.

Over in Riverview Park where we have Public Works, Division 1, there has been a complaint over the last several years regarding the expansion of the Public Works facility on to park property. Well, it has got to the point now where it is totally out of control. In the last six months I would -- I am guessing now, that Public Works probably has moved another 500 feet on to park property. We are now dumping refuse there, dirt fill, old concrete and asphalt, being stored there and then we wait till the companies come in and pick it up, and what they did is created these bins right into the park and they fenced it off, putting up green fencing, I guess, hoping that would match the park surrounding.

So, I am tired of waiting, I think it is an environmental disaster. If you go into Valley Refuge, where there's a ballpark and there's also a shelter, with a nice big cookout grill -- it is one of the bigger shelters -- to go in there you have to pass the location where you will actually see trash broken out of plastic bags, all over this bin and that is the sight you see that greets you going into our park.

So, I put in legislation that will be out next week that basically puts a time line, that this facility and the dumping of all of this debris has to be moved by September 30th, 1994, by the end of summer.

I started this and I tried to get a movement under the previous Administration. I think it is going to take legislative action and hopefully a unanimous vote from this body to save our regional parks. And, I would love to take everyone here on a tour. The people on Grand Avenue have been very patient but it has got to the point where I have to agree with them, it is totally out of control.

The Chair:

Thank you, Mr. Onorato.

Again, I think it is a double standard. Most of our parks are zoned "S". We would never allow a private property owner in an "S" zone to engage in dumping of these types of materials. So, I thought we had this resolved, but apparently not. So, I applaud the initiative and we will move quickly on the action.

Other comments to be brought before the body?

Two things very quickly. I did submit a communication to the City Clerk and I want to read it into the record very quickly. This involves the special election to fill the vacancy in Pittsburgh City Council District No. 9. It is a letter to the City Clerk instructing her to act on filing the Writ of Vacancy on July 15th. This will enable the Board of Elections to move on the issue of having a special election to fill the vacancy of Pittsburgh Council District 9 in the November 8th General Election.

If interested individuals from that Council district are seeking the seat they should be aware and we have communicated to many community groups and to those who spoke at a recent public hearing, that the first day to circulate and file nominating papers is Friday, July 15th, the last day to file Nomination Certificates and Nomination Papers will be Monday, August 1st, 1994. The last day to file objections to Nomination Certificates and to Nominating Petitions is Thursday, August 4th, and the last day for withdraw of candidates nominated by Nomination Certificates or Nomination Petitions is Monday, August 8th. This basically is the existing election calendar; however, the special election will be held November 8th to fill the Council seat No. 9.

I would alert all interested candidates to please communicate to the Elections Bureau and make sure you understand the election procedure and the requirement to collect, I believe, 151 signatures in order to have your name appear on the ballot.

So, this is a follow-up to Council's wishes responding to those from the community that did not want an expedited election but rather wanted the election to take place in the fall, November 8, General Election.

So, I want to remind our colleagues on the follow-up on that action.

There will be a post agenda following this meeting, I believe, unfortunately, it was scheduled for 11:30, regarding the emergency food pantry distribution system here in the City being conducted by the Greater Pittsburgh Community Food Bank and the Heinz School from Carnegie Mellon, who did a survey and a study.

One thing that is glaring in the report, even in my area, such as Lawrenceville and parts of Bloomfield, that in other areas, including even parts of Squirrel Hill, that there is a glaring need for additional food pantry services and that many of our food pantries are overworked, understaffed, don't have enough food materials and aren't always necessarily in the areas where there's a glaring need.

So, some of those issues will be discussed and what City government's response could be, and I thought it would be appropriate to have some of these discussions now prior to the year end grants and donations and allocation to the Community Development Block Grant. So, that meeting, I believe, will get underway at roughly 11:30 this morning and it will be a brief overview by the Pittsburgh Community Food Bank.

Are there any other matters under Motions and Resolutions?

We do need a motion to approve the minutes.

MR. ONORATO moved to approve the Minutes of Tuesday, June 21, 1994.

MR. SMITH seconded the motion.

Which motion prevailed.

The Chair:

I would entertain a motion to recess this meeting till tomorrow directly following the Standing Committees Meeting.

And on the motion of MR. SMITH

Council recessed.

Pittsburgh, PA
Wednesday, June 29, 1994

And the hour of recess having expired, Council reconvened.

The Chair:

At this time I would like to reconvene the Recessed Legislative Meeting of City Council, specifically for two purposes, one is the final vote on the Pirate Loan bill, and the second bill involving a sewer line right-of-way for Carnegie Mellon University. We will dispense with the reading of the roll since this is a Recessed Meeting. And, at this time I would ask the Clerk to please read the two bills in question.

MR. ONORATO PRESENTED

Bill No. 734

Report of the Committee on Finance For June 29, 1994.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 681

A Resolution approving borrowing of the Urban Redevelopment Authority of Pittsburgh for the purpose of providing funds for the Business Reinvestment Fund to provide a working capital loan to Pittsburgh Baseball, Inc., ("PBI") as a sole general partner of Pittsburgh Associates (hereinafter referred to as the "Project". (AS AMENDED)

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

The bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen Mr. Onorato
Mr. Cusick Mr. Ricciardi
Mr. Hertzberg Mr. Smith
Mr. O'Connor

AYES 7 NOES 1

(MR. FERLO, PRES'T, VOTING NO)

The bill having received the legally required number of votes
passed finally.

MR. RICCIARDI PRESENTED

Bill No. 735

Report of the Committee on Public Works for June 29, 1994.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 618

A Resolution providing for an Agreement between the City of Pittsburgh and Carnegie Mellon University, granting to Carnegie Mellon University the right to construct and maintain a building over a sewer line of the City of Pittsburgh on property owned by Carnegie Mellon University in the 14th Ward, 8th Council District of the City of Pittsburgh, vicinity of Forbes Avenue and Margaret Morrison Street, and providing the same obligations and liabilities of the parties for certain other structures which have been built previously over the City sewer lines contained in Carnegie Mellon property.

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Mr. Hertzberg.

Mr. Hertzberg:

Ask that my comments be brought forward from –

The Chair:

Could we forward all comments. I believe every Council member would like their comments brought forward on both bills.

(REMARKS -- SEE ADDENDUM)

The Chair:

Any other discussion?

Hearing no further discussion, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Smith
Mr. O'Connor	Mr. Ferlo (Pres't)

AYES 8 NOES none

The bill having received the legally required number of votes passed finally.

The Chair:

Any other matter relative to Motions and Resolutions? If not, I would like to entertain a motion to adjourn this meeting and meet again on Tuesday, July 5, 1994 at 2 p.m., in the afternoon as opposed to 10 a.m. If there is no objection.

Mr. Onorato:

So moved.

MR. O'CONNOR seconded the motion.

WHICH MOTION PREVAILED.

And on the motion of MR. ONORATO

Council adjourned.

(BEGINNING - COUNCIL'S COMMENTS ON BILL NO. 618, WEDNESDAY, JUNE 22, 1994)

Mr. Ricciardi:

Motion to approve for purposes of discussion.

Mr. Ferlo:

Second.

Which motion prevailed.

Mr. Ricciardi:

First I'd like to commend and thank our City Clerk's staff for their professionalism and their competency one you'll see in a few minutes. I have asked for certain information which dated back nearly five or six years and it was brought to my attention within 15 minutes and I'd like to thank them for their hard work.

Colleagues, before us we have been asked to approve a resolution will allow the City of Pittsburgh to enter into agreement with CMU is they could build their Student Union above one of our sewer lines. There are two sewer lines on CMU property; one is 78 inches and one is 50 inches. The reason I am so familiar with that because I serve on the Pittsburgh Water and Sewer Authority. And it's very interesting because presently the Pittsburgh Water and Sewer Authority is coming into big costs. The costs dealing with our 50 inch line, repairing and reconstructing that cost. The reason we're coming into that cost is because over top of that line, the 50-inch line are dormitories and other structures that CMU have built. Let me say I believe there should be an agreement between the City of Pittsburgh and also between CMU dealing with who is going to be responsible for if additional costs arise over our sewer line. Let me state that which agreement should we start with? Should we start with the agreement that is presently at Carnegie Mellon University which they have yet to sign? Or should we start with the agreement of 1987 which covers the 50-inch line which is unsigned? What I mean by that is on September 2, 1987 City Council passed a resolution very similar to the one we have before us today allowing the City of Pittsburgh to enter into agreement with CMU to see who will be responsible for the 50-inch line if something goes wrong. Here's that agreement in of 1987; CMU never signed it. The City of Pittsburgh allowed CMU to build on the 50-inch line dormitories, the parking lot, the stadium and what not and now we're stuck with some additional costs dramatic increases in costs on that 50-inch line and they never signed the agreement. So what I'm saying is let's not worry about the agreement of

1983, let's send them the agreement of 1987 and have them sign this first. This is very upsetting because this information was never brought to this body. It was found because of the competency of our City Clerk's staff. So now I'm going to allow other discussion but after that discussion I'm going to move that we table the agreement before us. They should not build on our 78-inch line. We should not even consider that agreement on our 78-inch line until the 1987 agreement is signed. So I will allow for other discussion but after that I'll make a motion to table the resolution before us.

Linda, I want to thank the hard work and the diligence of your City Clerk's staff that was able to find something within ten minutes.

Ms. Wasler:

Thank you.

Mr. Cohen:

I want to commend Councilman Ricciardi for the research that he's done and for bringing to light these facts regarding an earlier agreement and also the City Clerk's Office. This is in my district and Carnegie Mellon University is building a huge university center there and this Council voted in favor of the conditional use for that center last year and I don't want to send a wrong message and I don't think you're sending this message at all but that is we're not opposed to the university center of course or for the necessary work to be done to lead up to that center but at the same time you're absolutely right that we need to have a firm commitment with respect to the sewer line so I support you on that and I look forward to going through your research and in the end I want to make it clear that this is a good development. It's good for not only District 8 but also the entire city and certainly for Carnegie Mellon University and I would like to see it go through.

Mr. Ricciardi:

Just on that note, you know we really want to work with CMU but I feel somewhat deceived or betrayed because while we're working with the 78-inch line we have a similar resolution, a similar agreement that was passed in 1987 and that brings up a good point that many of you have brought up. We should not pass resolutions until we see the agreements signed. There are several issues that need to be discussed.

Mr. Ferlo:

This started out as a simple bill that Council needed to approve and now all of a sudden with the information that's come

to light with Mr. Ricciardi's comments today and other information that has come to Council in writing over the last couple of days, there's a lot more to the story. I have no problem with tabling the bill but I would suggest rather we schedule a public hearing to delve into a lot of the issues involving this sewer line.

Mr. Hertzberg:

I don't know if this question is directed to you or to the City Clerk, back to this 1987 unsigned agreement. Where did that come from? Is that from the Clerk's records?

Mr. Ricciardi:

Let me state that the unsigned agreement was just delivered by a request from our City Clerk from the Law Department and the Law Department has this on record and it was forwarded to CMU in 1987 to sign a similar agreement for the 50-inch line and "they refused to sign it". I further checked the information with a Department of Public Works and E & C and they never signed it. This is a similar resolution before us but I agree with what others have stated, we want to work with CMU but not to the detriment of the city taxpayers because who's picking up the additional costs for the 50-inch line and who might have to pick up the additional cost for the 78-inch line is the senior on the Northside, the working family on the Northside, it's the family out in the East Liberty area and they shouldn't be picking up these additional costs because let me give a similar example. We stopped a private resident from building on one of our sewer lines so it's distressing that this information was never presented to us.

The Chair:

I agree and I think there's a lot of questions that have to be asked to the Administration to find out what's going on and just to clarify this whole issue of these agreements unsigned before moving forward. So it's either in a form of a motion to hold for several weeks until we get an answer or do we table it?

Mr. Ferlo:

My only suggestion for a hearing is that at a hearing we can dedicate specific times just dealing with this issue. There are individuals we would like obviously from not only of Public Works but the Water and Sewer Authority and other -- a lot of issues get raised here. We've turned down other individuals who are not allowed to build over sewer lines and my basic question is why not require CMU to relocate the sewer line. My only suggestion from a practical level is to move ahead with the construction because we want to work with CMU but there's a

lengthy discussion here. If we have a hearing we can get all the questions answered.

Mr. Hertzberg:

Mr. Chairman, I would also like the City Solicitor to give us an opinion on the appropriateness because once these things are executed - customarily in real estate practice when you enter into an agreement that involves real estate, you record the agreement in the Office of the Recorder of Deeds to give further public notice of it and that probably would have been appropriate if this particular document were signed and when both of these documents are signed I believe that would be appropriate but I would ask the City Solicitor to give us an opinion on that also.

Mr. Ricciardi:

Mr. Hertzberg raises a good point where the document came from because I doubt very much I'm going to have to apologize to this body. I trust the attorney of record who brought this agreement to our office this morning and said it was never signed by the CMU, so I don't think we're going to embarrass ourselves by tabling this bill and scheduling for a public hearing.

Mr. Cohen:

Since it is in my district I support this. I think that Councilman Ricciardi has brought up some very legitimate issues but I would ask that it be a post-agenda that's held relatively quickly and I would hope that we could put this on our docket next week and we get everybody who's interested in this and get these questions answered. I agree that the taxpayers should not have to be burdened by this and let's come out with the best agreement we can.

Mr. O'Connor:

Mr. Ricciardi, it's your district and he's very active and I think he's right, the taxpayers should not be liable but I'm looking at -- the sooner you try to resolve it we're looking at construction time -- not only will it benefit CMU and the students but a lot of jobs out there sitting there waiting to happen. This is a big project so I think with both of you and meeting with them as soon as possible why this happened, who did it, so it certainly doesn't happen again and look at it again as Mr. Ferlo said if it has to be relocated or built over, whatever that decision should be made quickly just to make sure -- I don't want to hold it up unnecessarily and hurt a lot of people.

Mr. Ricciardi:

If I can take the lead on this as Chairing Public Works and Mr. Cohen as the representative of that district, we'll set up a post-agenda as soon as possible so at this time motion to table the resolution before us.

The Chair:

All in favor? Opposed? The ayes have it. The bill is tabled.

(END OF COMMENTS)
PREPARED BY: MARY ANNE HRUSKA
STENOTYPE REPORTER

(BEGINNING - COUNCIL'S COMMENTS ON BILL NO. 681, WEDNESDAY, JUNE 22, 1994)

Mr. Ferlo:

We can hear from Mr. Leeper and Tom Cox, Deputy Mayor.

The Chair:

Please identify yourselves for the stenographer.

Steve Leeper
Economic Development Policy
Mayor's Office

Tom Cox
Deputy Mayor/Policy
Mayor's Office

Bill Newlin
Attorney
Buchanan-Ingersoll

Mark Pollock
Special Counsel
Mayor's Office

The Chair:

Just so we can clarify, this is the Pirates discussion. There has been some questioning here in the way it was read and the way it's worded. This is the Pirate deal. Mr. Ferlo, if I can ask, we can defer to Councilman O'Connor who is chairing the sub-committee and he asked if he could have some opening statements.

Mr. Ferlo:

No problem. I want to clarify that this is the bill confirming the actions of the URA relative to the loaning of $8 million to the Pirate organization.

The Chair:

At this point I will turn it over to Councilman O'Connor who is chairing a committee of three members of Councilman O'Connor, Councilman Cohen and myself over the last day we have been negotiating and asking the questions that were important to many of our colleagues. Councilman O'Connor, you have the floor.

Mr. O'Connor:

First off I want to thank everybody who's involved from the Mayor's Office. I know there has been a lot of hard work and we all want to reach the same conclusion to keep the team in Pittsburgh. I don't think anybody has questioned that.

We had quite a few questions and I think most of them were answered and for the public and for the record we should go through that. I know Mr. Cohen had a couple of finance questions and I'll leave those to him.

Basically my key -- one of my key questions was if the team -- right now we have a six month if for whatever reason they would want to leave or sell, they would give us right now a six-month notice?

Mr. Leeper:

Right.

Mr. O'Connor:

We requested that that go to a 12 month so that would give us -- when I say "us" I include all the fans and potential buyers that we would be sure of one full baseball season if it would happen next week or whatever to -- definitely find an owner but also the people -- "Joe fan" would have a lot to say -- he could vote with his buying tickets and show that it is serious and we want to keep the team here so it's very important we a full year, now where are you with that?

Mr. Leeper:

We have, under the agreement we would go to a nine-month period under which we would be able to look and find and secure a new owner and then we would have at least at this point in time an additional two months to put the financing together and get the transaction closed.

After we left our discussion the other day our goal is to try and get an additional month for the closing so we would be at nine months to find a new owner and then three months to close the transaction associated with the purchase of the team.

Mr. O'Connor:

Have you received commitment from them that they would give you the extra three months?

Mr. Leeper:

Where we are, we definitely have a commitment for two so we have a nine and two, two to close and what we're trying to do is get that additional month and when we presented it to them they did not think that was going to be a problem.

Mr. O'Connor:

We would know that by next week.

Mr. Leeper:

Yes.

Mr. O'Connor:

Do you feel that is safe, nine and three?

Mr. Leeper:

What it does is allows us to spend the nine months working on putting together a long-term and more stable ownership for that and what we need to do and the 90 days should give us enough time to put a transaction together.

Mr. Newlin:

Also from the standpoint of all the regulations in dealing with major league baseball. The kinds of approvals we would need for any transaction. We thought the extension to nine months was very significant and any additional two to three months to close I think under any scenario would be considered a very reasonable period if there is a willing buyer to accomplish the transaction.

Mr. O'Connor:

The real urgency there is so that the team can stay in Pittsburgh. We know it's easy to find a buyer for someone who would want to move the team. It's not so easy to find one who wants to stay here.

Mr. Newlin:

That's correct.

Mr. O'Connor:

Could you review the history of these loans? In other words, there were 13 owners who put in 2.5 so basically the private ownership of the team put in $26 million.

Mr. Leeper:

That's correct.

Mr. O'Connor:

And the residents of the City of Pittsburgh put in $20 million.

Mr. Pollock:

As a loan, not as equity.

Mr. O'Connor:

There is a difference between loan and equity but and I have talked to some bankers last night and this morning and they've emphasized that but our chances of getting money back in the near future aren't too realistic even if the team breaks even would be the best scenario right now.

Mr. Leeper:

Under the provisions of the loan that they would be paid back upon the Pirates having a positive cash flow and that is the nature of that loan. It's a soft loan, it's not that type of loan that you would get if you went to a conventional bank. It's soft and payment is made upon the financial success of the Pirates.

Mr. O'Connor:

Which hasn't had a very good history. I am trying to put on my banker's hat right now --

Mr. Leeper:

-- to date they have not made a payment on the loan; that's correct.

Mr. O'Connor:

Forget about the emotional things of keeping the Pirates. So we are asking them to put in -- they're asking us to put in $8 million -- another loan of $8 million and they are going to match it. They are going to put another $8 million into the team.

Mr. Leeper:

That's correct.

Mr. O'Connor:

Also, the taxpayers through interest have put in $5 million so far.

Mr. Leeper:

The taxpayer's haven't put that in. The interest is accrued on that loan that the Pirates owe back to the city.

Mr. O'Connor:

Who has been paying for the interest?

Mr. Leeper:

The interest has accrued and that is what is owed the City.

Mr. O'Connor:

So the bond is just getting bigger.

Mr. Leeper:

The outstanding debt is greater.

Mr. O'Connor:

We're responsible.

Mr. Leeper:

No, the Pirates are responsible. They owe us money for the interest, that's correct.

Mr. Pollock:

But the City's payment every year has remained constant; it has not gone up.

Mr. O'Connor:

We put in that money every year.

Mr. Leeper:

The way the transaction has occurred is that we made a $20 million loan to the Pirates and they received $20 million in cash through the issuance of debt back in 1986. Annually the City through its debt service payment has made a $1.9 million to make payment on that loan to raise the proceeds to pay to the Pirates. Since the Pirates have not amortized that loan and the

interest has accrued, what has happened is that roughly $5.3 million has accrued in interest that they owe back.

Mr. O'Connor:

If the team whether it be sold or whatever they would owe us another $5.3 million.

Mr. Leeper:

That's correct. The outstanding debt is $25.38 million.

Mr. O'Connor:

Then we're going to loan another $8 million so it's up to $33.8 million that we're into this.

Mr. Leeper:

That's correct.

Mr. O'Connor:

The owners had 26 and another 8 is 34 so we're basically both in this for $34 million each.

Mr. Leeper:

Roughly, that's correct.

Mr. O'Connor:

There is a big loan for major baseball.

Mr. Leeper:

At the time as Mr. Sauer said the other day, at this point in time it's about $27 million.

Mr. Pollock:

I have some updated information on that. It is right now 27 but before the end of the month it will exhaust the other seven they have available so as of July 31st it will be $34 million.

Mr. Newlin:

This is also a loan from Citibank so while we refer to it as "the major league baseball loan", it's actually a loan from a commercial bank in New York which provides lines of credit for

all of major league baseball secured by the franchises of each of the clubs.

Mr. O'Connor:

That is my next point.

Mr. Newlin:

It's a real bank loan.

Mr. O'Connor:

Who's securing that $34 million dollars?

Mr. Newlin:

The franchises of the baseball clubs. Actually on the $34 million it would be -- for the loan to the Pirates --

Mr. O'Connor:

-- not that loan. It's funny we have three 34's now. Citibank Major League Baseball, $34 million lent to the team - spent. If things fold up tomorrow who pays the $34 million?

Mr. Newlin:

The Pirate organization owes that amount of money but it is then secured by the franchise of the Pirates so bottom line, if everything went bad they'd get the franchise. Citibank would get the franchise.

Mr. O'Connor:

That $34 million isn't secured from whether it be Equibank, Mellon Bank, CMU.

Mr. Newlin:

It is not.

Mr. O'Connor:

I'm looking at hard equity. These owners are borrowing money but they are not putting their house on the line. When I go to the bank and I want to buy a car I have to sign.

Mr. Newlin:

In the sense they are in the sense that to them their house is their ball club and they have put their ball club on the

line. They lose the ball club if the money is not paid.

Mr. Leeper:

They lost their equity investments.

Mr. Newlin:

Therefore they would get nothing on their equity investment.

Mr. O'Connor:

But it's not backed up by their companies.

Mr. Newlin:

That's correct.

Mr. O'Connor:

There's a big difference here we have to understand. All these people who put money in most of them -- there are some individuals -- how about the three individuals?

Mr. Newlin:

All of the owners were treated the same, meaning if the corporations haven't provided guarantees neither have the individuals.

Mr. O'Connor:

This is a very important point. If things go bad for them all they can lose is $2 million. They really aren't responsible or they are not going to go to their corporations.

Mr. Newlin:

I will say on the additional $8 million that they are going to come up to match the City money that they are putting their guarantees on the line for that.

Mr. O'Connor:

We agree that the 34 that is up front now and the 34 that the taxpayers put in we're an equal basis; right? In other words, if we go bust and the team leaves we the taxpayers have to pay our 33.8, we're responsible for that.

Mr. Newlin:

A technical matter because I know you want to be very precise on this. The only slight difference there is that to get to the $34 million for the City you have to add in the accrued interest and of course the City never did advance that accrued interest, so in effect it's like 34 on those loans but in terms of actual dollars in from the City on the original loan and the proposed loan, it would be $5 million less than $34 million.

Mr. Leeper:

The actual principle that advance was that 20 and eventually the 8.

Mr. O'Connor:

So the $5 million we've been putting in if something goes bad it's gone. We have been paying it.

Mr. Leeper:

They owe us. We never put in the $5 million. It's just that when they borrowed the money they owed that in interest so that if we ever get the 20 back we'd get the interest.

Mr. Hertzberg:

We pay a debt service on that though.

Mr. O'Connor:

It's important that the taxpayers have to know what they have invested here. And the owners are acting like they are the only people that are investing. In fact, one of them mentioned to me about the $34 million loan and all the equity they're stretching so if this thing goes flat tomorrow they are stuck with 34, we're stuck for 34 and Citibank owns the baseball franchise. In other words, they're not coming after us for the 34 or the Pirates -- these groups.

Mr. Leeper:

In the event that that occurs it gets a little bit more complicated than that. There are certain remedies that could occur that may or may not protect the City's financial interests here. I guess the team wouldn't necessarily go bust that they --

Mr. O'Connor:

-- if baseball went out of business, let's not pick on the Pirates. If baseball went out of business -- in other words, if I don't get a check and I can't pay for my new car, they are going to come after my house. If you guys ever dealt a bank, bankers have no hearts. There's no "Maz hit a home run", we're dealing with bankers now and when they come they put you against the wall you are in trouble. Try to miss a car payment and see what they tell you. So I am trying to put on balance here that we are in a business deal with really three equal partners right now: Major League Baseball, the City of Pittsburgh taxpayers and the Pirate organization.

Mr. Newlin:

It is important to go through that analysis. One of the things that Steve was referring to is that if in fact there was a default on the Citibank loan, that $34 million, and they took the franchise, as a practical matter what would happen is that the franchise would be sold outside of the city therefore Citibank would be paid off and also most likely so would the City because they couldn't keep the excess.

Mr. O'Connor:

So would the owners.

Mr. Newlin:

Correct.

Mr. O'Connor:

We are all in bed together.

Mr. Leeper:

We're trying to quantify the risk.

Mr. O'Connor:

There is probably no risk in this loan; I'm not saying there's a risk because the team right now is valuable but if major league baseball had a scandal and major league baseball was not worth a dime what would happen?

Mr. Newlin:

It goes down the tubes.

Mr. O'Connor:

Three of us go down the tubes together and I don't know that this corporation Pittsburgh Associates realizes we are -- I know we are not partners and they say there's no risk but we certainly have the same risk they do; is that agreeable?

Mr. Leeper:

Yes. If the institution of major league baseball failed then we would have then we would have equal risk with all other parties involved.

Mr. O'Connor:

Whether it be sold off for $200 million to Tampa and then we would all share in the profits. Although we would not want to see that but that's one scenario and the other scenario is if baseball goes flat or there's a third that we're going to keep putting money into this every six months, every two years, every four years; we all agree to that; it may happen. So what I'm trying to lead up to is I think we're very equal partners with that although they may -- in fact some of them are starting to agree to that which leads me to how much say the taxpayers have in this. The only say so far we have is that all nine of us vote and the Mayor and say "here's more money". They have a voting board of 14 members which I think three or four are retired from their company but evidently it's to the benefit of -- incidentally it's probably not backed by the company, it's like a subsidiary, right? So there's no real danger to the names on this.

Mr. Leeper:

Some of those are subsidiaries.

Mr. Newlin:

Some of them are direct investments.

Mr. O'Connor:

What I am asking for and we're asking for as Council is a vote on that board. Right now we have made it clear that the Mayor has a vote so he is the only representative of the public that has a say in how the money is spent or if the team is sold or what direction it's going in. What I'm asking for is one of us as Councilmembers who really has the final say on this -- at least you need five of us to make anything happen -- that we have a say in not only where the money goes but to protect the taxpayers' interest and I think we have proven that we're equal partners. Not that we go to every game and we make every trade

and I don't think there's any board members here that go to too many games.

I will go over a few people who vote for us: Joe L. Brown who is the former General Manager of the Pirates. Although he lives in California I don't know how much input he has but I'm sure nobody around here knows any more than he has. He has a vote on this; right?

Mr. Leeper:

Yes.

Mr. O'Connor:

Does he have any money invested?

Mr. Newlin:

No.

Mr. O'Connor:

Mark Sauer is the General Manager and President and again he's run the St. Louis Cardinals -- I don't know how far his background goes but he looks like an astute businessman. He is the President of the Pirates and he makes trades and he has a free hand of doing this so does he have any money invested?

Mr. Newlin:

He testified the other day that he does not.

Mr. O'Connor:

Yet he has a full vote on what happens to the Pirates. Now there are people here -- there's one company, Westinghouse Corporation who has two votes. I think both men are retired but is any reason why they have two votes?

Mr. Newlin:

They have twice the investment. In other words, the vote were tied to the original investments or transfers.

Mr. Pollock:

I think what I learned is that Mr. Danforth was put on the board like a Chairman Emeritus. He had been the founding chairman and when retired from active presidency they kept him on as a voting member of the board but it was a coincidence that -- in other words, he's there not because of Westinghouse.

He's listed as a Westinghouse person but he's there whether he'd been with Westinghouse or not.

Mr. O'Connor:

So we're keeping him on the board as his expertise in baseball and his business experience.

Mr. Pollock:

Right.

Mr. O'Connor:

Also, the Mayor -- the only other person besides the corporations and the Mayor who I understand our old mayor never went to a meeting and I don't know that she's a baseball or a business expert but our new Mayor certainly has a hands-on background and he's been to board meetings so he's an active member and he is our only vote on what happens with this team and how they spend their money, what direction they are going in. My point is the taxpayers have an equal invested interest and I think it's only fair that we have some say. I asked for a Council representative to be a voting board member and if I had to do it over again I would have asked for a URA member to be a voting board member too. So I'm only asking for one now but if I had to do it over again I would have asked for two. Believe me Councilmen, I know we're getting publicity but I'm getting a lot of -- most of the people who call us say "Don't give them the money" and I see some heads going. And the other people have changed -- I was just in the Giant Eagle this morning and was at a retired firemen's -- Joe Jackson retired from the firefighters and he had probably 100 people at his retirement party and they all came up to me and said, "We better have a say in what's going on." So the public is agreeing with us so I would hope that the owners would see it that we have a vested interest. We would know -- I know they don't have a final vote until their next board meeting until July 1st but I think they could pull before next week's final vote on this and get some indication of where they are on that request.

Mr. Leeper:

Based on our discussion yesterday, we presented your request to the Council for the Pirates and he said he needed to present this to some of his board members and he would get back to us.

Mr. O'Connor:

That's fair and I'm willing to wait a week although I know final approval wouldn't be until July 1st but I think it's

important for us representing the taxpayers to have a say in all this money we're putting up.

Last subject I'll go over which we had a public hearing on Monday afternoon and I don't know how many people really saw it. The cable happened to go out in my area and I got some calls halfway through the meeting so there is some interest.

I was a little disappointed -- before I get into that, did you check on team operations?

Mr. Newlin:

Yes, I did but I did not get my reply until this morning and I'm not sure that I got a reply that satisfies the kind of detail that I need. I don't know if you got that reply.

Mr. Pollock:

That was our copy and it was faxed to you gentlemen late yesterday.

Mr. Newlin:

I didn't get one faxed to me so I didn't see it until this morning.

Mr. O'Connor:

Again, I am sorry I didn't see it but the statement of operations here and what I have draft is from 1989. In 1989 the Pirates made money so in business I would like to compare the years we made money and what we were doing right there that we're not doing right now. In fact, in 1990 they made money, so this ownership, what year did they take over?

Mr. Pollock:

They took offer in 1986.

Mr. O'Connor:

In fact in 1987 I didn't bring it up at the meeting --

Mr. Pollock:

-- they closed Christmas Eve in 1985.

Mr. O'Connor:

In '87 and '88 I started going to lot of games because I was blessed with a new baby and I wrote -- and I didn't write a

lot of letters so I think this is important. I know we all have Pirate stories. I went to a lot of Pirate games, he was about two years old so Dan Cohen, you'll be starting soon too.

Mr. Cohen:

He already has his Pirates outfit.

Mr. O'Connor:

You're losing your posture.

I ran into Nick Diulus who was President of the Usher's Union and there is some little bit of negativeness towards the Usher's Union I feel in some of the negotiations but I ran into him and I asked him who was in charge of the Pirates because I wanted to write a letter concerning the ushers and right away he was on me and said, "You guys are picking on our ushers" and I said "No, no." On the contrary I was so impressed by the service I received from a couple games I was going to just the way they treated me I saw a vast difference, different enough to know that I took the time and the effort to write saying how impressed I was with the ushers and how I was treated. They weren't drawing that many people but since the new owners took over you can see a vast difference in attitude and everything.

What I'm looking for is I don't know if I see that attitude now. You said what a great operations they were running but the cost -- the ballplayers' salaries is out of hand and I don't think we can hold them too responsible for that. I think a credit to them is they are fielding a respectable team, they're not like San Diego but just for your information, on '89 when the team was making money, team operations went from $3.6 million to last year of $6.2 million. Even in 1990 it went to $6.5 million so it went up almost 90 percent. Now there are some non-player salaries and I think if you would get that -- that's something they can touch and change and that hasn't been addressed. The other thing, Mr. Sauer answered was player development went from in '89 to $6.2 million to over $9 million last year. He's saying, "I'll bring the salaries down but I'll bring young ballplayers up and pay a little more I think that's a very good trade-off." But right there is almost $6 million that has increased if I allow $1 million for inflation -- there's $5 million there but I think operation-wise they should be doing some work on or justifying. Last year they lost $9 million and that would have cut their losses in half.

Mr. Leeper:

Just on a couple points on regarding the ushers and the operations. That wouldn't be in here because they don't have control over that.

Mr. O'Connor:

I didn't mean to mix the ushers. The only reason I brought up the ushers was to mention the quality that I saw when they first bought the team.

Mr. Leeper:

What they faxed to us there's really two line items that show change and one is the on-field personnel and one is player insurance and the other is this other category that they have tried to highlight right there.

Mr. O'Connor:

Team operations?

Mr. Leeper:

I think the on-field management has to do its certain contracts that they had signed in recent years that you can attribute to that.

Mr. O'Connor:

Others went up $1 million. There is a little bit of distrust from the big corporation how the accountants deal this and hear you are saying there's a million dollar increase but it just says "others".

Mr. Leeper:

They have some footnotes but you're correct, it does not go into great detail.

Mr. O'Connor:

That is the input I think we need.

Mr. Newlin:

That was my reaction too. When I looked at that I sort of got comfortable quickly even though I haven't had much time to look at it until I got to the other category and then obviously I didn't have a chance to analyze whether or not the footnotes themselves gave us enough detail to really understand.

Mr. O'Connor:

So there is things that they may be doing better although they patted themselves on the back for cutting some costs.

Whether they can justify it or not I don't know but I think it's your job to show it.

Mr. Newlin:

I think in the one category which is not on the sheets which is really the development of younger personnel that is a business judgment. It is clear that they did spend more money in developing the younger players and it is clear that they cut the total salaries for the team. It's then a business judgment which I think we are all equally qualified to speak to as whether or not we think that the development of that younger personnel is worth that money. I have no special expertise to say that it is or is not but I think that part of it is clear. I think the thing that we should try to get more detail on is the other category and the statement that we received this morning.

Mr. O'Connor:

There may be some room to look over their shoulder.

I'll finish on one more subject that we really didn't touch on and I heard some rumors but I didn't see it in their presentation. I was under the assumption that they were going to come to us with a five-year plan. If you go to a bank and I am requesting this, where is their business plan? The problems with what I saw last week were if we get revenue sharing, if we get a salary cap -- if, if, if and if we get a loan we'll be okay. My problem is -- again let's think like bankers -- you don't go to the bank and say, "if my business doubles". Even if it's in theory could happen, we need a business plan. So much attention has been given to why the team is failing and all the "ifs". No attention has been given to what are we doing tomorrow to bring more people into that stadium to get more revenue whether it be TV revenue or what other revenues can they bring in. Have they brought that to you?

Mr. Pollock:

We did see a best case scenario for a way that in five years there can be a break-even franchise and maybe even make a little money and I'll try and get that to you today.

Mr. O'Connor:

Is that without all the "ifs"?

Mr. Pollock:

No, that's with the "ifs".

Mr. O'Connor:

Here's my problem. When I told you that I went with my kid and they were doing a great job giving us service they were only drawing about 800,000 people. If somebody in 1987 said, "Within five years you're going to draw two million people", what would you say to them? Nobody would have believed it but yet this team went from 800,000 to two million in five years. Now I don't see anybody saying, "How do we get to three million?" People in Pittsburgh -- if you do your job, we're very, very loyal people. If the players do their job and not only win -- there's 25 players and at least five coaches, are they going to a public school or a parochial school every Monday morning saying, "Here, I'm Andy Van Slyke" and give a five-minute talk and give out some tickets and say, "Please come". I know if my kid came home and said that a ball player gave me two tickets, we're going to the game on the Pirates at the beginning of the year, I guarantee you that we'll be in right field every day watching -- not every day but as often as we can and that's what I'm looking for in this team, this ownership, that we keep saying entrepreneurs -- an entrepreneur will do what I'm saying. Why are we waiting so long for them to roll up their sleeves? Have they run out of gas?

Mr. Newlin:

Let me answer a couple of different things. We have been trying to pay attention to what we think are reasonable projections for the operations of the Pirates going forward. We have run various numbers giving some consideration to whether or not there is a salary cap and a salary floor and the other things that may occur in helping to make this judgment. But I also have to say that one of the reasons that the recommendation was to come in with what we regard as interim money, the $8 million was because when it's all said at the end of the day we thought it was in the interest of the City to not try to come to a total long-term conclusion because there were so many questions which were unanswered but rather to come up with what we thought was an interim solution which gave adequate time to everyone: Council, the City, the URA over the period of at least another 12 to 15 months to have a better idea of what the true future was before fashioning a final solution. So the original idea was that there were too many imponderables and therefore we should try to solve the immediate financial crisis, give us some turn around time and come up with a solution.

The questions you have raised in terms of whether or not the team could be managed in a fashion which could do a better job of maximizing revenues are the same questions we have raised. I don't think we bring any special expertise ourselves. I don't bring any special expertise myself. In our report that we put out in March we spent a lot time trying to deal with the

expense side of this business and we said that we did feel that they had made a very good faith and effective effort in controlling the expenses. We also said in the report that we didn't think we were in a position to make the judgment because we are not qualified if you will with respect to whether or not the marketing could be done in a more effective manner or the TV revenues could be managed in a more effective manner to maximize revenues in the future.

Mr. Pollock:

I think though in fairness to the team, they have done a very worthwhile, in fact an acceptable job of marketing the team. If you look at the size of their market -- I'm glad you have that chart that I sent to you -- I think they ranked second or third in the league as far as the percentage of attendance drawn from the market size. Don't forget, the market size has been dwindling over the years that they've owned this team. The population has gone down and it's a smaller market each year and yet they've held their own attendance and last year they held their own with a losing franchise, a losing team. This year their ticket sales are the largest ever despite finishing in fifth place last year. So I think that they have done a remarkable job of marketing the team. They do go out to all the neighboring communities and in fact the reason why the President isn't here today is because he's out in the neighborhood community trying to market the team.

Mr. O'Connor:

I know in my son's school in East Hills, Franco Harris has been there but I don't remember a Pittsburgh Pirate being there.

You mentioned this chart and that's what bothers me -- maybe that's why they don't want somebody like me sitting on their board because they're going to be asking some tough questions. These charts, I have been in business, you can make charts make look any way you want and they took a second to last team market and all the way when you turn it around percentages they came in second behind San Diego. San Diego is going bust so we want to be the next guy behind bust.

You're right, Mark. They have done an admirable job and we can credit them and say, "Hey, Buffalo did a great job they have been in the Super Bowl four years, is anybody happy?"

Mr. Pollock:

The difference in the two markets that you point out, San Diego and Pittsburgh and the larger teams is not going to show up in attendance figures. We're doing the best we can on attendance but the big difference is the local TV and radio

revenue and that's where you get your enormous discrepancy between the New Yorks and the Los Angeles and the Chicagos and the local teams. You're talking $20 million to $25 million differences.

Mr. O'Connor:

I'll quote the Mayor who spent almost two hours the other morning with us and I'll quote my former boss, Lou Pappan, he used to say almost every week to me, "When things are tough you cannot continue to do business the way we've been doing business." That's what I'm looking for from the Pirate organization to say, "As great as Mr. Greenberg has done and he's taken that team far it still doesn't pay the bills. If you can take it from 800,000 all the way up to 2,000,000 I'm sure we can take it to 3,000,000. We're asking people to do the impossible maybe. We're sitting here -- our taxpayers are sweating to pay the bills and we're sweating to make the city happen. I don't know if anybody over there is sweating yet. When the owners start bleeding the rest of them will start sweating a little bit and what I'm asking for is, as good as it's going is there a "Plan B" if revenue sharing doesn't come, if salary caps don't come, if our loan or whatever. This loan may go through if the concessions don't have -- there's concessions coming so we know that so we're just leading up to that. Where is it all going to stop and where's Plan "B"? And I would that from them -- and there are some smart people down there and if they can't do it, if they've done everything they can, I know the Mayor had something for the All-Star Team and he put a group together of executives from advertising companies, just a brainstorm on how to make the All-Star and clean up the City and all that. These are the types of things that I think everybody in Pittsburgh would be willing to have an idea. It may be ten cent hot dog night - we don't have the answers. The answer may not be in this room but it's somewhere in this city and I think they owe us Plan "B". I think they have to have a business plan here whether this goes through or doesn't because I know the concessions are coming soon and I definitely need that before we go any further. Do you know what I'm talking about?

Mr. Newlin:

I do know what you're talking about.

Mr. O'Connor:

This discussion would go on with bankers.

Mr. Newlin:

The one thing I will say they have done through all of our discussions is we do believe that we have discussed very thoroughly the various kinds of things that they think may change with respect to the team and may change with respect to the baseball. So the essential assumptions if you will of that business plan going forward -- there's been a great deal of discussion concerning that but I understand your question.

Mr. O'Connor:

Let's look at a marketing plan because I hate to see if we have a strike we'll save money.

Thank you for your time.

The Chair:

We will move to Mr. Cohen who also sits on the sub-committee.

Mr. Cohen:

Good morning. This obviously is a very, very important vote for this Council and I think it's important to go back to the two major goals that I think we all have in mind here. One is to keep the Pirates in Pittsburgh. The other is however that we have got to do everything we can to protect the taxpayers of the City of Pittsburgh who are being asked to bear the entire burden of this loan. I made myself pretty clear on Monday as to how I felt that city taxpayers should not be asked to bear the entire burden of this loan, I'm not going to go through that again but at the same time we need to protect that taxpayer.

I agree with Mr. O'Connor that we need to look at this in our role as a banker realizing though that no bank that wants to stay in business would ever give a loan under these terms. I don't think you have ever heard of anybody getting a loan. Mr. Newlin, you represent a lot of clients, do you know anybody that has received a loan from a bank where the bank says here's the loan -- when you turn around and make money you come back to us, you call us we won't call you. Have you ever heard of a loan like that?

Mr. Newlin:

I agree, this is not a standard bank loan.

Mr. Cohen:

Nevertheless, I think that we need to look at ourselves in the role of being a banker because we're asking to be making a loan here.

There are two scenarios that we have spoken about at the public hearing and here this morning that could occur with the Pirates, two major scenarios. One is the best scenario that revenue sharing and salary cap will happen and the Pirates will be able to turn around and stay in the City of Pittsburgh forever. That's of course a scenario we would all like to see. The other is the worst case scenario and that is that revenue sharing and/or salary cap do not occur -- that's obviously out of our hands, it's in the hands of major league baseball owners and players and the Pirates would have to be sold to an out-of-town owner and a larger market. What I would like to do is ask you a couple of questions about both of those scenarios and make sure that the taxpayer is protected under either one of those because we don't know which one is going to occur. Let's take the worst case first and then get to the better one.

The lease terms we received yesterday afternoon and I appreciate it very much. The summary of the terms of the loan we received yesterday afternoon and I want to thank Tom Cox and Mark Pollock and Steve Leeper for providing that to us and for working very hard on it and Mr. Newlin for working hard on this.

The worst case scenario part of this really is on the bottom of Page 2 and the top of Page 3 and that is the proceeds of sale or disposition. If the Pirates are sold to an out-of-town owner how are the taxpayers protected? What I'd like to ask is -- obviously the loan gets repaid with interest, right?

Mr. Leeper:

Yes, sir.

Mr. Cohen:

But the taxpayer would also receive a percentage of the profits. Again I think everybody realizes that the Pirates are worth less now than they would be being sold to an out-of-town owner whether it be Charlotte or Ft. Lauderdale or Phoenix or whatever. Explain to me what percentage of the profits the taxpayers would receive.

Mr. Leeper:

Right now before the $8 million loan we represent 47 percent and after the $8 million loan we represent 53 percent.

Mr. Cohen:

If the loan went through and again the worst case hopefully this does not happen but when you're a banker you have to look at all the possibilities. If the team were sold we would get the loan repaid with interest right and we being the city taxpayers would receive 53 percent of the profits; is that what you're saying?

Mr. Leeper:

The best thing to do would be to give you a scenario. If the team were sold out of town and I think this is a very conservative scenario that when we agree that if the team was sold out of town and it was sold for $100 million which we think is considerably less than what it would be sold for if it went out of town, the team under the formula before the $8 million was put in it would receive roughly $25 million -- 24.9 in change and in the event that we add the $8 million put into it, it will be almost $30 million and that's what we would receive back.

Mr. Cohen:

Wouldn't we get the $20 million plus interest on the original loan back, right?

Mr. Leeper:

It's more of a disposition of proceeds and how it gets disposed of so it's not necessarily -- because it is an equity participation loan, it is closer to -- what happens is we divide proceeds rather than say you get this back plus.

Mr. Newlin:

Let's take a scenario. The most likely form of a transaction, which if I don't give you a form of the transaction it involves other scenarios is that if it were sold out of town is that buyer would buy the team and assume all the existing liabilities and then they would pay their $100 million. The $100 million would be reduced by the amount of the outstanding liabilities which, let's assume at this point are bank loans and not URA loans. That would then leave $57 million in proceeds under that scenario and then what happens is that $57 million is then actually distributed to the general partner who owns the team and the general partner then has the responsibility to split up those according to the formula under the various agreements. And when the percents come into play and if you then follow that scenario right now before you make any other $8 million loan, then the City would receive back approximately $25 million.

Mr. Cohen:

Okay. So the bank loan comes off the top and the remainder is split up based on that formula which you think the City would get if this loan went through approximately 53 percent.

Mr. Newlin:

Yes.

Mr. Cohen:

It's a little bit like fire insurance. No one wants a fire but if the fire to happen we want to make sure that the insurer is protected.

Mr. Newlin:

We see to primary working scenarios. The one we just went through, the one we don't want "sale to out of town at current market values" and under that scenario at $100 million, the URA and the City gets back their existing loan plus interest. The other working scenario of course we do go through is in the event that the option were exercised. If the option were exercised then the URA, the City, City Council in effect gets control of the process and then it becomes a question of what that group would be willing to sell the team for to a local buyer and then of course that means it's under the control of that group and depending on what the decision would be -- the price at which it would be sold at that time depends on what would be paid back on the existing loans that have been made under the URA arrangement.

Mr. Cohen:

What if it's sold to a local buyer who has the sole intent of keeping it for a short period of time and then selling it out of town and making a profit, are we still protected?

Mr. Newlin:

The whole thrust here is of course that if the decision were made under the option procedure to sell it to someone locally is to make sure within all reason that a buyer like that couldn't do that kind of a flip of a transaction.

Mr. Cohen:

How do you make sure?

Mr. Newlin:

We believe there's a number of things that would have to be in place without trying to make this exhaustive. We think it ties into exactly how tight the lease itself is for the stadium and what the term of the lease is. If you make the term of the lease longer rather than shorter and the buy is obligated on that, then it becomes much more expensive to even try to walk away from the obligation.

We also believe that there should be other provisions provided in any arrangement like that, that in effect if the -- if it were sold out of town that they would have to pay what we refer to as a break-up fee. What does it mean? Sometimes you put in arrangements that if someone buys something from you and then does something with it you don't want, they owe you an additional payment for having to do that. What does that mean? That means that it's much more -- it's much harder for them to sell it to another party because you have increased the price of it. Whether those devices would actually get in that final agreement or not depends on the negotiations but at least the view we're taking is that if there were a sale to a local buyer, we would want a number of very powerful hooks in that sale arrangement so that if we consummate a transaction to hold the team here, we have consummated a transaction which really causes the team to be kept here.

Mr. Leeper:

There's a two-year provision. What would happen is that if a flip would occur prior to two years they would have to split the price.

Mr. Cohen:

Just like the profits -- at the same percentage?

Mr. Leeper:

Yes.

Mr. Cohen:

Between now and Tuesday I'd like to see where that is please.

Mr. Newlin:

Let me clarify that. There's two different things we were talking about. The one I was following up on your question if we were to sell to a local buyer what would we do to hold them here? There's another question which was if you make the

additional $8 million loan that we want some provision in that arrangement that ensures that the matching money that's coming in for the $8 million loan stays in the transaction for a period of time and that is part of what Steve was referring to.

Mr. Cohen:

I would like to see that if I could and I want to make sure that we receive a high percentage of the profits under either scenario so that we're protected under the worst case scenario. Let's look at the best case scenario and that is that revenue sharing does come through and a salary does come through and we can actually keep the Pirates here. Realistically we have limited control over the operation of the Pirates and even if this loan passes we'll have limited control over their operation but I think what we do now have control over, some control over is this loan and what the terms are.

One, the terms of the loan has a maturity date of January 1, 2001, that id A real maturity date; is that right?

Mr. Leeper:

That's consistent with the existing loan.

Mr. Cohen:

Due and payable on that date?

Mr. Leeper:

Yes.

Mr. Newlin:

I will verify that, I will check that. I have to go back to the URA document to make sure.

Mr. Cohen:

I would appreciate it. Now the other important aspect of this is that there's an eight percent interest that the City would be charging the Pirates and that is consistent with the 1985 loan as well.

What would be the interest rate, the best that we can determine right now, what would be the interest rate that the City pays on the bond issue because of course we are borrowing money in order to lend them money so what is the interest rate on the bond issue?

Mr. Leeper:

We talked about it yesterday and it is estimated at this time that the true interest cost on the bonds is about 8.69 where it's estimated today and of course we've not gone out into the market but that's where it's estimated today and of course we have not gone out into market but that's where it's estimated at, 8.69 percent.

Mr. Newlin:

The 2001 is a real maturity date but there are a couple of relief provisions under that so I've got to get you the language on the old 1985 loan agreement relief provisions that give you the full answer and I will give that to you.

Mr. Cohen:

We need everything on the table here.

Mr. Newlin:

I'll get you that.

Mr. Cohen:

Please provide us that. We are talking about the interest rate. The interest rate in this document in the loan to the Pirates is eight percent. Mr. Leeper, you said that the interest rate for us to borrow money on our bond issue is 8.69 percent.

Mr. Leeper:

Yes.

Mr. Cohen:

I have a problem with that. The problem that I have with that is that we are asking the taxpayers to pay more money than we are actually lending to the Pirates and I think that's not fair. For us the city taxpayers to be paying a higher interest rate for the same money that lending to the Pirates so one of the things that I would like to see is that this loan be for the same interest rate to the Pirates as we are paying to borrow money for the taxpayers.

Mr. Leeper:

I took your point and we presented that issue to the counsel for the Pirates and we think we're going to be able to work it out.

Mr. Cohen:

We have a commitment yet?

Mr. Leeper:

Like everything else in this negotiations which is what I would say is fluid, when I presented that and indicated that it is an issue I think they did not feel it would be a problem but again, he has bosses he has to go back to and we have not received a formal reply back on that.

Mr. Cohen:

I would like to see a commitment on that from them. I realize that you're the intermediary here but I'd like see that because I absolutely think it's wrong for the taxpayers to have pay a higher interest rate than the Pirates do.

If the Pirates pay the proposed interest rate of eight percent then the taxpayers as I calculate it will lose $620,000.00 over the life of the loan and I think it's wrong so I would like to see that happen.

The last issue that I'd like to raise with you is when the City will get its money back. We have already talked about the worst case scenario but under the better scenario when the City will get its money back and I think that that's on Page Two which is when the Pirates have a positive cash flow. The definition of positive cash flow here and this is the only part of this that I'm going to read but I think that it's important for people to listen to how this loan document reads and this isn't even a loan document, this is the summary of the loan document. Positive cash flow means the Pirates prorate a share of the gross revenues generated from operation of the business of the Pirates during the preceding fiscal year from all sources excluding depreciation and other non-cash items reduce by payment or accrual for payment of current operating expenses including taxes of the Pirates and after making provision for reasonable working capital requirements of the Pirates, what does that mean?

Mr. Newlin:

When we run our own homes we don't run them on accrual bases or on special accounting bases, we sort of run our checkbook and if we have the cash we pay it. When you get to this formula this is a sophisticated way of saying that we're determining this based on a cash flow basis. Sort of like our checkbook as opposed to -- even though it sounds very complicated and it is rather than on some accrual accounting basis. The only thing that's really different from that

statement is the last couple of lines of that paragraph where it says not only are we going to look at how the cash is really coming in and going out on a one-year basis, we also are going to reduce the amount of free cash to make this payment by the reasonable working capital requirements of the Pirates. That's the only thing that changes that scenario.

Mr. Cohen:

Can you define for me what reasonable working capital is?

Mr. Leeper:

Just two points on this. One is that and Councilman Onorato brought this up the other day. What it does is it really gets us down to a cash basis on this positive cash flow and the issues regarding depreciation and so forth are pushed away. The term "reasonable working capital" again is subject to interpretation. What the Pirates want and I think what we all want is that from year to year they are able to carry over some balance to allow them to continue to operate their firm like anybody else would want it. What that amount is again could be subject to interpretation and as we discussed yesterday, if this body feels that it is something that we should do -- we do get operating statements annually, the Redevelopment Authority does get annual audited statements from the Pirates annually. What we could do is have somebody a third party independent auditor come in and make some sort of interpretation as to what constitutes reasonable level of working capital and we would be glad to employ that at the expense of both parties.

Mr. Cohen:

Would you agree that five different people could have five different opinions as to what reasonable working capital means?

Mr. Newlin:

It's a good thing to try and pin down better although I will say this. That a term like that would have to be defined in line with whether industry norms, meaning that you would look at other baseball teams and there is a certain level of cash that you have to have available so you can balance out your month-to-month payments. So while there could probably be disagreements to the extent of 20 percent, I think the basic core amount we would get people to agree on but it's good to define that.

Mr. Cohen:

This is what I would like to see and we've discussed this yesterday and that is, as I read this the way it is written

currently, because there are unclear terms like "reasonable working capital", it basically comes down to "we won't call you, you call us. You call us when you turn around based on what you think your profits are going to be." I don't think that's right and I would like to see an independent auditor. It can be one that is an expert in major league baseball but my concern is that we have to ensure that real profits don't vanish into paper losses.

Mr. Leeper:

That gets taken care of by exclusion of depreciation and so forth. Another option we have and again we didn't talk about this yesterday but one of them is that we can set it that the working capital would be no more than a certain percentage of their operating budget for the next year. That can be a standard language so it's a set percentage that in any given year they know that their next year's budget might be $35 million that their working capital needs would only represent a certain percentage. There's things we can work out and I'd be glad to do that.

Mr. Cohen:

I'd like to see that. It at least has to include an independent auditor. You know as well as I do that under fancy accounting real profits can vanish into paper losses. We've seen that with other baseball teams as well.

Mr. Leeper:

This is being excluded in this definition.

Mr. Cohen:

If you have an ambiguous term like "reasonable working capital" and the Pirates say that's $7 million and we say that's $3 million then that is the problem.

Mr. Leeper:

I want to clear up that definition but I'm just referring to the depreciation and other non-cash losses is generally what you are referring to when you talk about --

Mr. Cohen:

-- you don't have a problem with an independent auditor? I'd also like to see the quarterly reports and not just annual reports.

Mr. Leeper:

They may be quarterly.

Mr. Newlin:

They are at least quarterly

Mr. Cohen:

Do we get quarterly?

Mr. Leeper:

No, the Redevelopment Authority.

Mr. Cohen:

I'd like to see us get quarterly.

Mr. Newlin:

That's not a problem, those are public documents.

Mr. Cohen:

I would like to see commitments on those matters. One is the same interest rate that the taxpayers pay, I'd like to see the Pirates pay; two, an independent auditor. One who is an expert in baseball who will ensure that when the Pirates do make money that the taxpayer gets paid back and those are the amendments that I would like to see.

Thank you, Mr. Chair.

Mr. Ferlo:

I am fascinated by all this public policy posturing of the Pittsburgh Pirates but let's try to return to the central issue and that is where should the $8 million burden fall? I want to reiterate my concerns. I don't think there should be any debate or dispute about the importance of the Pittsburgh Pirates. There has been enough testimony at the public hearing, enough has been read and supplied to this Council. There has been enough debate among the public, among the community, among the business community, the convention folks you name it. The Pirates are important and we have to keep them here, we have to keep the Steelers here and we want to keep the Convention Center going. The issue is where should the $8 million burden fall and my argument strenuously is that it's inappropriate to once again burden the shoulders of Pittsburgh taxpayers for yet another $8 million loan and bail out. My argument very clearly and I think

what's going to happen is the Pittsburgh Pirates are going to engage not only in double dipping but triple dipping and quadruple dipping and that is when the regional asset district comes into play they are going to be at that table asking for money. They are at the table for the state government asking for money, they are asking for money from the county government. We just raised the sales tax one percent not only for city residents but county residents and presumably this money was to create a pool of millions specifically to help not only the cultural amenities and the library system, the Zoo and things of this sort but major league amenities such as the Pittsburgh Pirates. We recently had a consortium of banks locally approve a $50 million bond issue for the City so the City can proceed with some of our capital projects. Given the fact that we began to accumulate money as a result of the sales tax in June I can't see why we can't fashion some type of a loan from one bank or more than one bank locally on the promise that the money will be repaid from the regional assets district. So again my basic concern is where that $8 million comes from and my objection is that it's coming from the City's debt service in the operating budget as opposed to the pot of money from the regional assets district, the pot of money that's at least theoretically been offered by the County and another pot of money that's been offered by state government and that's why I continue to object and would ask my colleagues to vote no. I don't think that's going to be the case because the majority of Councilmembers will support this bail out and at this point I would have to argue then that if that is the case the majority are going to vote on it final action Tuesday that if we can develop a consensus on the points that have been raised and get some clarification. I know there has been some initial discussion but I would ask my colleagues to abstain on the vote today and not vote until finally on Tuesday until such time that we know a resolution to the concerns that have been raised by my colleagues. One being the extension of the option exercise period from six to nine months, the Administration negotiated that and I would applaud that initiative and the suggestion is that it would be extended to 12 months. I don't know that we have a clear indication from the Pirates organization what their response is to that. Obviously if we have a full year in the event that we get a notification of intent to sale, it would give us more time.

Mr. Leeper:

We're at nine and two now.

Mr. Ferlo:

I think we need a resolution that before a final vote and I think it would send a clearer message if it did not pass today and if people did not want to vote no which is my argument that I would please ask my colleagues to abstain.

I still am unclear on issue of board vote representation. A reporter told me yesterday that the Mayor recently was quoted at a press conference saying that he did not have a vote in fact so there is some dispute about this. The previous mayor in fact did not have a vote on the Pirate organization. The Mayor at least if this reporter is to be believed, the Mayor was quoted recently at a press conference saying that he did not have a recent vote and in fact I believe he stated that he wasn't sure that he should have a vote because we are not an equity investor but we've only provided a loan, so there's an outstanding question here in addition to Mr. O'Connor's concern about a counsel or another public sector represented on the board.

Mr. Newlin:

We have been advised orally that he does have a vote because my understanding --

Mr. Ferlo:

-- I want to see the bylaws and the minutes of the last meeting.

Mr. Newlin:

I don't want to accept that because I originally thought it was non-voting myself. So I have asked that this has to be confirmed in writing.

Mr. Ferlo:

Mr. Newlin, I want to see a copy of the minutes of the last board meeting where the Mayor supposedly voted and a copy of the bylaws. Are there bylaws?

Mr. Newlin:

Yes. We agree that we need to confirm this.

Mr. Ferlo:

I'd like to have Council be provided with this.

Mr. Leeper:

We will.

Mr. Newlin:

We have asked for that.

Mr. Pollock:

He did not vote, he left before the vote. He had to leave and they voted after he left but I was told by their attorney that had he been there he would have been allowed to vote.

Mr. Leeper:

We will get what you need.

Mr. Ferlo:

What changed? The previous mayor didn't have a vote on the Pirate Organization Board.

Mr. Newlin:

We will get it in writing because we equally want to make sure of that answer.

Mr. Ferlo:

The second issue is if a majority of the Councilmembers agree on this issue of additional public sector vote and representation of the board, I think we need to close ranks on that issue and abstention today would ensure and strengthen the argument.

Mr. Cohen's brought up the point I think the third issue should be this interest payment issue being equal to whatever the debt service burden is to the city taxpayers and I think that needs to be clearly a third thing that we have an agreement on.

The fourth thing is the quarterly reports. Now in the past when I have asked for reports involving URA loans, it's always been contended by the URA that it's not public information, that's private information between the URA and individuals that they have loaned money to. Now I hear today that all of a sudden they're public information and that is news to me.

Mr. Leeper:

I would like to ask that we check on whether or not -- let me answer your question. When the URA would make a loan to a private individual, having that private company submit operating statements may be privileged information. Certainly the loan documents themselves are public and what I would like to do is rather than totally commit to the quarterly reports and submitting that publicly to Council, could we get a reading as to whether or not there's a prohibition against us doing that.

Mr. Ferlo:

Clearly I made my point.

Mr. Leeper:

We have to honor individuals and if it's not something we can legally do --

Mr. Cohen:

-- keep in mind they are asking us for $8 million.

Mr. Leeper:

I understand that.

Mr. Ferlo:

I believe the regional assets district should come up with the $8 million and not this City Council out of the operating budget but I do think we should close ranks along the four issues that have been raised by my colleagues and I would ask that we abstain from voting today until such time that there's a resolution at next week's meeting.

The Chair:

Before I move to Councilman Hertzberg Mr. Newlin, with all due respect whoever you are requesting this information for in writing, please remind them that the hearing was on Monday and that should be in writing today. I'm in favor of this idea but I'm starting to get very frustrated with some of the responses. The vote of the Mayor should have been answered in writing by today and it's very frustrating so please let them know to take this body seriously. They negotiate with the Mayor because he's the executive but there's another part to this government and when we request something we want it here.

Mr. Hertzberg:

Mr. President, I have the same concerns you have, I have the same concerns as Councilman Cohen and Councilman O'Connor. The appropriate thing to do would be to hold this but I'm not going to make that formal motion at this time in deference to everyone else here.

The bill that is actually in front of us the legislation that we're be asked to vote on today does not contain any repayment terms, nothing about potential board members or nine month extensions or anything like that.

Mr. Leeper:

The language is really Council guaranteeing the payment on bonds issued by the URA. Actually the terms and conditions of the loan is a loan between the URA and the Pittsburgh Pirates and in fact the provisions that you are requiring would have to be in that loan agreement from the Redevelopment Authority and the Redevelopment Authority Board at their next hearing would have to approve those loan agreements.

Mr. Hertzberg:

This legislation that you are asking us to vote on today says there's a cooperation agreement attached to it.

Mr. Leeper:

There's a cooperation agreement by which the flow of funds between the City and the URA that will guarantee that payment that will be sufficient enough to pay the debt service on the bonds.

Mr. Hertzberg:

That is a cooperation between the City and URA and we don't have that. I don't have that. Does anyone have that?

Mr. Leeper:

In the cooperation agreement you're not going to have loans and terms and conditions of the loan. The City doesn't lend money to private individuals.

Mr. Hertzberg:

That is I wanted to know because I haven't seen this. There's also a reference to an official statement that should be appended to the legislation also.

Mr. Leeper:

There is an official statement and the preliminary official statement will be completed today and it is an official statement of the Redevelopment Authority which outlines the terms and conditions of the bond issue but that's certainly things that we would be glad to get copies of and it hasn't been finalized yet.

Mr. Hertzberg:

That's something that we're being asked to approve and that it says we're backing these attachments that we don't have right now and that causes me some concern.

There's also a mention of an Exhibit A. Is that the same as one of these two documents?

Mr. Newlin:

We will take a look at it.

Mr. Hertzberg:

Are those the only two attachments?

Mr. Leeper:

It would be one or the other.

Mr. Hertzberg:

In Section Six.

Mr. Pollock:

Exhibit A will be the terms of the bonds which we don't have yet.

Mr. Hertzberg:

So that would be a third attachment then.

Mr. Leeper:

Which would come back to this Council because we don't know -- we haven't gone to the market yet and got the terms and conditions.

Mr. Hertzberg:

Do we know yet with the $8 million that Pirates are going to go out and get to match this where that $8 million will stand in the priority for pay back. We've discussed the fact that the line of credit seems to be secured by the franchise and where we sit now but we have another $8 million, do we know where that's going to sit?

Mr. Newlin:

Those would be independent bank loans and would have the priority of normal bank loans which means that they would probably be equal to or just subordinate to the Citibank loans.

Mr. Hertzberg:

They will sit behind like a second mortgage on the franchise.

Mr. Newlin:

That's correct.

(AT THIS POINT, I WAS TEMPORARILY RELIEVED BY HELEN L. KRIEBEL)

MARY ANNE HRUSKA
STENOTYPE REPORTER

(CONTINUED COMMENTS ON BILL NO. 681)

Mr. Hertzberg:

Now, could we expect -- there is going to be some formal agreement, I take it, with all these different repayment terms between the Pirates and the URA?

Mr. Leeper:

Which would begin to outline the provisions, all the provisions that we stated to date. And we would also begin to try to address the concerns and work to address the concerns of Council, which include things like Councilman Cohen's interest rate, the working capital language and things like that.

Mr. Hertzberg:

Can we put something in there officially establishing whether the Mayor votes, and of course, if we are able to get a voting member for Council, can we put something in there in that agreement?

Mr. Leeper:

I don't know, I guess that would become --

Mr. Newlin:

You mean the final document? Is that what you are referring to?

Mr. Hertzberg:

Yes.

Mr. Newlin:

Whatever is part of the package will be reflected in the written final document. Nothing will be left to a handshake.

Mr. Hertzberg:

That will be in a written agreement between the URA and the Pirates?

Mr. Newlin:

That is correct.

Mr. Leeper:

It would come under the section of things that you just described; I assume it would be under the section "Conditions to Funding."

Mr. Hertzberg:

Is there a draft of this document out yet? Where are we on that?

Mr. Leeper:

What you have seen here is this summary.

Mr. Newlin:

That is the transaction, subject to the comments we heard here. That is where we were at the time that we gave you the term sheet. I would say while we referred to it as "a summary," I would say it is a complete summary.

Mr. Hertzberg:

Outside of some of the things that we brought up recently, you've got an agreement reached?

Mr. Newlin:

As you will on any deal like this, we have one or two things we are still talking about, but we don't think they are really the critical items of the deal.

Mr. Hertzberg:

I have no further questions.

Mr. Onorato:

Councilman Smith?

Mr. Smith:

Help me understand bankruptcy. Would they have the power to declare bankruptcy before they tell us their intent is to sell? I am just asking because I am wondering if for financial advantage it may be to their advantage to file bankruptcy and write off their $2.5 million and let everybody else shuttle for what is left.

Is there something that mandates that before they reach the bankruptcy brink, they have to tell us that it is time to sell?

Mr. Newlin:

A couple of different answers to that. The first is I believe major league baseball probably -- I didn't say for sure -- probably would not permit that. The second answer is except for major league baseball, there is no provision itself in our documents that would keep them from doing it. But the third real answer to this is it would not be in their economic interest to do that for the following reasons: They gain no additional advantage of writing off any of their investments by having gone bankrupt, except in, maybe, a very extreme case. Plus the fact is that the club and the franchise would be worth -- the value of the club and franchise could be injured in terms of finding a buyer outside of here if it were being sold out of a bankrupt situation. I think that is a relatively unlikely scenario. They would not see it in their interest to do it, is the reason; not because of our interests, but because of their interest. Their real interest is if the team does not continue to be economically viable, for them to put the team on the market outside of Pittsburgh. And they have the contacts to do so.

Mr. Smith:

Okay. I just wanted to make sure that we weren't going to create a problem for ourselves, that it would be financially more feasible for them to go into bankruptcy and let us fend for ourselves.

Mr. Newlin:

We are giving them nothing that adds to their advantage in that regard.

Mr. Smith:

We are doing basically the world's greatest loan terms; correct? Such as we are a generous bank; we are not buying equity in the team. When Mellon lends me money for a car, they don't get in the passenger side and tell me how to drive it, it is the payment that makes them willing to do it.

This is an extremely convoluted payment schedule, but we will not lose in the end; correct?

Mr. Pollock:

Can I respond to that? Forgive me, but in all due respect, when a bank lends you money for a car, there aren't a thousand jobs created and the city doesn't make $50 million a year. That is a big difference.

Mr. Smith:

My point is this driver's seat that some of my colleagues seem to want to ride on this deal, Mellon does not get in the car with me when they give me the loan and tell me how to operate the car.

Mr. Pollock:

Exactly. That is a good point.

Mr. Smith:

We have someone there, once we are clarified whether or not they are voting or not, but it is just my point that when you loan people money, they do not come out to your house and tell you to operate your thermostat or which windows to open and close. My point is, I just feel that if that clouds this issue, then we are creating a problem. Although I could not pin Mr. Sauer down to a date or a general point at which they would have some financial cash flow problems, we know that it is soon.

Mr. Pollock:

It is very soon.

Mr. Smith:

Once again Council is the good guy or the bad guy; we have moments to make a decision.

Without the points raised at this table today, which I think many of them are valid, would it kill the deal to hold this for one week until we get everything we wanted in writing?

Mr. Leeper:

Councilman Smith --

Mr. Ferlo:

Can I raise a point of order? I had to leave the room. Was there a hold motion made?

Mr. Smith:

No. I am asking, would it affect this deal?

Mr. Ferlo:

I want to clarify, my earlier comments only had to do with abstentions; it had nothing to do with holding any action today.

Mr. Pollock:

The effect is the same, isn't it? What is the difference?

Mr. Ferlo:

Significant difference. We vote on it today, whether it be yes or no or abstentions, and there is final action on Tuesday. Hopefully, there will be some resolution or indication by the Pirate organization acceding or denying the requests on the four issues that have been raised and we would move and meet the timetable.

Mr. Pollock:

From our standpoint about going to the bond market, the effect is the same, is what I am saying. I am sorry.

Mr. Ferlo:

If we hold it, then there is another round of debate next Wednesday and it delays the final vote another full week.

Mr. Leeper:

Can I get --

Mr. Hertzberg:

Point of order.

Mr. Onorato:

Councilman Hertzberg.

Mr. Hertzberg:

I mentioned at the public hearing that I think we have another option, which would be that we would recess next Tuesday's meeting, not conclude it next Tuesday, and recess it until Wednesday following the Standing Committee Meeting, so that we would have a final vote on this a week from today even with a hold.

Mr. Leeper:

If, in fact, that was the case --

Mr. Onorato:

Excuse me. Councilman Smith still has the floor and you are responding to his question now.

Mr. Leeper:

Councilman Smith, in regard to -- let me be clear about something here. These are not easy negotiations because -- and you are right; there were some very good points that we would like to make clear to the Pirate management, and we have. They do not have a final board action until July 1st. What we can have within the next couple days is some reaction from their general counsel based on feedback from their owners that the provisions and the additional provisions plus the existing terms of the loan do not appear to be a problem. We will not have, as you indicated -- and I want to be clear with you -- we will not have signed on the dotted line from all Pirate management until the July 1 board date. I think what we are doing, as in any negotiating, is we are presenting our terms and conditions. We have no reason to believe they will do anything but bargain in good faith and give us a pretty clear indication that anything that we have suggested to them is either going to pose a problem or they do not feel that it is a problem, and we can give you the appropriate feedback and I think give you enough of an assurance to go ahead and make your vote either way.

Mr. Smith:

Well, my fear is that we will receive the packet at 9:55 on Tuesday morning responding to the questions my colleagues have asked. I am slightly miffed that one simple little question of "Does the Mayor vote" two days later is still not responded to. So I worry that there is going to be this last minute response that it is a do or die.

Presently, I feel that this is a necessary thing to accomplish, but if I don't feel we are being cooperative, then I will have to stand with my colleagues in not wanting this to go through until all of their questions have been responded to.

Mr. Leeper:

I can tell you this, and I think Councilman Cohen's can confirm this: As soon as we left negotiations yesterday in conjunction with our counsel at Buchanan Ingersoll, we made very clear every one of these provisions to the Pirates, and Councilman Cohen called me right after that meeting and he knew we were right on the phone with them. We are clearly taking your concerns very seriously. We are communicating them to the Pirates. And I understand that this has not been a quick response on the issue about the vote, but they have gotten back to us and I think they are trying to work with us. I would like to get you something well before 9:55 on Tuesday.

Mr. Smith:

Well, that hasn't been historically what has occurred on

the many votes which -- we at this table would turn out to be the enemy if we say no based on just that willingness to share in a timely manner and giving us an opportunity to truly review what is being presented. That is it.

Mr. Onorato:

I have a few comments. First I want to say that, as you can tell, my patience are wearing a little thin on the issue, but I think this body has been bending over backwards to try to come up with an agreement here to move forward, because we all recognize the importance of the Pirates.

There are some serious questions on the table and it is the issue, too, of making sure that this body is taken seriously. The points that Councilman Cohen brought up which we also discussed yesterday at our subcommittee meeting I think are critical points that have to be answered. We have to have those by Tuesday before final vote or whenever the final vote is taken.

Two other thing that I am going to request -- because I don't want to repeat Councilman Cohen's and Councilman O'Connor's request because I agree with both of what they are asking and I am waiting for the answer. But the two things I would like to see the Administration do, which is actually outside of the loan -- I would like to see this over the next month or two, and if it doesn't happen we can introduce it through legislation directing the directors to do it -- I want to see some kind of response or some kind of answer of the county's full participation of the Stadium Authority and owning that facility. I don't even care if it is a down-right out-right "no" from the Commissioners that they don't want it. I want to see that in writing, I want to see the request in writing to offer them the entire thing including all the debt service to make this truly a regional asset. This should be the Allegheny County Stadium just like it is the Allegheny County Pittsburgh Airport.

I would also like to look at some other options we discussed yesterday. Mr. Leeper, you might recall the discussion over the possibility of having the Pirates as a publicly held company and it is even legal to do that in major league baseball. But the point is I think at this point we should pretend that we have just been given the six months' notice, so if a year from now, five years from now, the Pirates come back for another loan, that we don't have to say, "We have to approve this" or "We better be careful because if the six month option is kicked in, we don't have enough time to deal with it." Let's start dealing with it from this moment forward and pretend we have a six month option and a gun to our head and look at the other options.

What I can see here is that even with the best case scenario, I am not sure that the ownership is stable to move forward. I think what we have to look for are new owners. When

I say "new owners," I don't just mean a switch of bodies and corporations; I am talking about an ownership structure which might include the county, which might include an individual, but something that could take us into the future -- and I don't mean a five year future, but the next century -- and hopefully we have another hundred years of baseball in Pittsburgh.

I would hope that the Administration -- and I realize this is a new administration, you've only here six months -- the new Administration would aggressively attack this issue as though the option has been called and we have six months, so that we can actually discuss this without the time pressures. But let's start discussions.

Mr. Leeper:

Just on that issue -- and I would like Bill to talk about this ownership statement that you made -- we as an Administration will continue to meet regularly, either weekly, bi-weekly, probably weekly, to continue working on this issue. In other words, once this loan is made, we don't pack up and forget about this issue, but we have a working group put together that is going to make this a priority that we stabilize this franchise. We have a commitment to do that.

Mr. Onorato:

I would also ask -- and we can discuss this amongst ourselves, the body here -- that Council have participation with those discussions, at least. It is a critical part of city government, and obviously this Council plays a critical role. Even if it is a subcommittee or one individual so that this body or someone on this body is kept informed of where it is going or have monthly or quarterly reports to us, because my fear is we could be sitting here 12 months from now with the same problem.

Those are the only two issues I have today. I will call on other councilmen with questions. Hopefully we can call the question today and we will do the will of the body.

Councilman Hertzberg.

Mr. Hertzberg:

Thank you, Mr. Chairman. I mentioned the fact that I might make a formal motion to hold, but hearing the rest of my colleagues and knowing that I would need five votes for a hold here, I am not going to make that motion. But I do feel that would be the appropriate thing to do. That has been the customary practice that I have seen on my six months here when we don't have sufficient information to vote on something; we would hold it. But I don't know that there is a great deal of difference between that and a vote of an abstention for insufficient information, other than the fact that we will have one day's difference on the final vote, be it Tuesday, if we

were to actually hold the vote today, or Wednesday if we were to hold for a week. So I am not going to make that motion.

Mr. O'Connor:

Thirty seconds. I just want to clarify, when I mentioned "ushers," I want to make it clear I was just setting an example that I think they do a great job, and when they were going overboard I think and showing the courtesy, it made me want to come back to the Stadium more and more. There are all kinds of stories. But I know, because you asked the question about the problem, it had nothing to do with -- I was trying to set one example and not have anything to do with -- I have a lot of the friends out there that are ushers. Their $33.00 a day isn't going to make or break the Pirates.

I just wanted to clarify I was setting a good example of when they and many people in that organization do the right thing, they can bring it from 800,000 to 2 million. that was the example I wanted to point out.

(Whereupon, Mary Anne Hruska resumed reporting this meeting.)

Helen L. Kriebel
Relieving Stenotype Reporter

- - -

The Chair:

Before I call the vote Councilman Hertzberg brings up a good point. I'm going to a vote in favor but I want to make sure that we have all the information we requested by Tuesday before final vote and obviously they are waiting for information too. I don't think any vote sends any signal except that we still want to cooperate, we want to move this forward but there are questions unanswered and remember this is not a final vote today and there's a final one coming up next week and we want responses.

Mr. Cohen:

One clarification and that is I'm looking for more than information, I'm looking for commitments, not just information but actually commitments on those issues that I raised in writing.

The Chair:

Call the vote.

ROLL CALL

AYES	NOES	ABSTAIN
Mr. Ricciardi	Mr. Ferlo	Mr. Cohen
Mr. Onorato		Mr. Hertzberg
		Mr. O'Connor
		Mr. Smith

AYES 2 NOES 1 ABSTAIN 4

(NEGATIVE RECOMMENDATION)

The Chair:

Let me just clarify. By next Tuesday obviously the abstentions are waiting for more information so we have at least six that are waiting for information and there's one "no" vote. Thank you.

MUNICIPAL RECORD

Proceedings of the Council of the City of Pittsburgh

VOL. CXXVIII *July 5, 1994* *No. 27*

Municipal Record

ONE-HUNDRED TWENTY-EIGHTH COUNCIL

JIM FERLO.....President
LINDA M. JOHNSON-WASLER.....City Clerk
KURT J. SALAC.....Asst. City Clerk

Pittsburgh, PA
Tuesday, July 5, 1994

PRESENT:

Mr. Cohen	**Mr. Onorato**
Mr. Cusick	**Mr. Ricciardi**
Mr. Hertzberg	**Mr. Smith**
Mr. O'Connor	**Mr. Ferlo (Pres't)**

The Chair:

Would you all please rise for the Pledge of Allegiance and would you please remain standing for a moment of silent prayer so that we may have peace throughout the world.

We are very honored and pleased to have Katrina Rectenwald here today; she's ten years old; she goes to Elizabeth Seton Elementary School in Sheraden. Her mom and dad are here, Joe and Rebecca, and she's going to lead us in the Pledge of Allegiance.

Katrina Rectenwald:

I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with Liberty and Justice for all.

The Chair:

Thank you. Thank you, Katrina. The City Clerk would like to present you with a flag of our City and a flag of our country.

PRESENTATIONS

The Chair:

We have a number of honored guests out here in the audience today, including some athletes, some star athletes.

At this time I would like to first call on Councilman Alan Hertzberg.

Mr. Hertzberg:

Thank you, Mr. President.

The Chair:

Thank you, Mr. Hertzberg.

Mr. Hertzberg:

I think everyone has probably heard about the Airport Busway project that is in the middle of the planning phases and that is being pushed very heavily, especially with the closing of the Fort Pitt Bridge.

There are a number of organizations that are looking into doing something in conjunction with the busway, which is a bikeway, which would allow people to ride kind of along the busway at some points and at some points not along the busway, but would take us from Carnegie all the way across the Smithfield Street into Downtown, via bikeway, so that you would have your choice of getting some exercise, getting out in the air, or if

you didn't want to go that route, you could take the busway.

And, I am very supportive of these efforts to try to get a bikeway along with the busway, and I have prepared a resolution, and I have with me Jeannette Tuttle, who is from Pittsburgh Area Cycling Coalition, and let me read this resolution.

MR. HERTZBERG PRESENTS

No. 736 WHEREAS, the wish to develop safe biking areas for bicycle enthusiasts in the Pittsburgh area has been discussed and studied for many years; and,

WHEREAS, construction of the Airport Busway provides an opportunity for development of a bikeway along much of the busway's proposed route; and,

WHEREAS, the Pittsburgh Area Cycling Coalition has diligently pursued the planning and designing of a bikeway through Carnegie, Rosslyn Farms, Crafton, and the neighborhoods of Westwood, Crafton Heights, Elliott, and the West End in the City of Pittsburgh in conjunction with construction of the Airport Busway; and,

WHEREAS, this proposed bikeway will be beneficial for many in that it will ease motor vehicle traffic, cause less air pollution, and provide an opportunity for healthy exercise in the great outdoors; and,

WHEREAS, this development will entail the cooperation of several different groups and public agencies.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh wholeheartedly supports this exciting endeavor of the Pittsburgh Area Cycling Coalition called the CARNEGIE BIKEWAY, and we recommend aggressive pursuit of completion of this plan for the enjoyment and enrichment of residents and visitors of the City of Pittsburgh.

MR. HERTZBERG moved to adopt the resolution.

MR. COHEN seconded the motion.

Which motion prevailed.

Mr. Hertzberg:

Jeannette, would you like to say a few words.

Ms. Tuttle:

Yes, thank you. I appreciate your support of the Carnegie Bikeway. This is really a tremendous thing that is happening right now in the Pittsburgh area, because we are combining a couple very different modes of transportation that are both working towards clean air, quality, efficiency by combining a bikeway with a busway, and the bikeway does break away from the busway in Crafton and continues down into the City through City neighborhoods.

So, I think it is going to be a tremendous use for a commuter bikeway as well as recreational uses. I appreciate your support. Thank you.

The Chair:

Councilman Onorato.

Mr. Onorato:

Thank you, Mr. President. If I could just add. I want to congratulate you, but also ask you to keep up the fight because -- and I am saying this for the benefit of my colleagues and anyone listening -- there was a proposed bikeway for the East Street Expressway that was never developed and fell through the cracks because of funding. So, anything you need to keep this a viable option, please let us know, because I have seen great plans disappear when it came to the budget time, and like I said, I saw a diagram of a bike trail all the way from North Hills to the Downtown area that was never developed.

So, I hope that your plans and your enthusiasm for this project helps for us to see something in the future.

Ms. Tuttle:

Thank you very much. I understand that happened also, and so we are very fighting very hard for that.

Actually this particular commuter bikeway has the potential in the future to combine all the rails and the trails and some day you will be able to go

from East Street to Downtown Pittsburgh, and this is a very important link for that. So, we are fighting very hard to make the airport busway part of the bikeway happen right now. Thank you very much.

The Chair:

Thank you. I appreciate your efforts.

Councilman Onorato, you have a proclamation.

Mr. Onorato:

If we can call Calvin Hughey up. I should have gave you more time. Take your time.

Colleagues, and people in the audience, Calvin Hughey, who is the Director of the Urban League up in Northview Heights, replaced Dr. Carter, who we have had in this Chambers in the past, but Calvin has been carving out his own niche and a name for himself, and I think this is a program -- as you will notice it is the first annual -- it will give you an idea of what's happening in the Northview Heights neighborhood and what the Urban League provides to a community.

The resolution reads:

MR. ONORATO PRESENTS

No. 737 WHEREAS, the First Annual Progressive Readiness for Employment Program, P.R.E.P., graduation ceremony was held on June 8, 1994 at the Urban League Northview; and

WHEREAS, the Progressive Readiness Employment Program is an adult education program that focuses on basic course work, job readiness and life skills training and has given Northview Heights residents the opportunity to receive their GED (general equivalency diplomas) and move on to higher education, vocational training and full-time employment; and

WHEREAS, this program offers individuals a way to earn the skills necessary to get them off of welfare and continue their education or enter the workforce. The program can open doors for individuals and give them an opportunity to change their lives; and

WHEREAS, P.R.E.P. is a program of the State Department of Community Affairs that is being implemented by the Urban League Northview. P.R.E.P. is carried out in cooperation with Together Strong, a project of the Open Doors Program of the Allegheny Policy Council; and

WHEREAS, students Elizabeth Brazier, Toni Bryant, Keisha Brown, Carmen Darby, Tracy Goodnight, Shelly Green, Kimberly Hall, Crystal Smith, Phyllis Hall, Tonya Hearn, Rosalind Malloy, Linda McBroom, Renee Morgan, Theresa Pleasant and Priscilla Washington, graduated from the P.R.E.P. program on June 8, 1994, through much hard work and determination; and

WHEREAS, a special thanks is extended to H.A.C.P./Together Strong, Allegheny General Hospital, Northview Heights Citizen Council, Single Point of Contact, Pittsburgh Black Action, The Urban League of Pgh., Inc., Northview Heights and all the staff members, family members and individuals who helped the graduates reach their goals.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh recognizes all the hard work, determination, and personal sacrifice involved in making the Progressive Readiness Employment Program a success.

MR. ONORATO moved to adopt the resolution.

MR. RICCIARDI seconded the motion.

Which motion prevailed.

Mr. Onorato:

I would like to have Calvin say a few words. But, this is just one program that is going on in Northview Heights under the Urban League, which has been a critical neighbor, probably over the last 30 years. And, Calvin, would you like to say a few words.

Mr. Tuttle:

Thank you very much, Councilman Onorato. On behalf of the Urban League of Pittsburgh and Northview Heights P.R.E.P. program, I would like to thank the City of Pittsburgh for this prestigious award.

We are very proud of our program in Northview Heights and we have a tremendous group of young people there working to further their education to help to get off the Welfare rolls and to make themselves productive citizens. I am sure you are going to hear more in the weeks and the months to come from the P.R.E.P. program in Northview Heights and other programs that we have located there. Thank you.

Mr. O'Connor:

Thank you, Mr. President. Paul Stackhouse, will you please come up. Jim. Jim and Bob from the Variety Club. Come on, Bob, don't be bashful.

I am sure everyone knows he's no stranger to these Chambers; he's usually down here lobbying for the different labor causes. And, we are very honored, this is sponsored by all my fellow Councilmen, to have Paul here and honor him for his outstanding achievements.

MR. O'CONNOR PRESENTS

No. 738 WHEREAS, Paul A. Stackhouse, Sr. has made a lifetime commitment to numerous Pennsylvania organizations, including in a variety of high ranking union posts, and as a leader of twenty-two years with the Allegheny County Labor Council; and,

WHEREAS, Paul has established and led classes in legislative, education and community services, and serves on the boards of such organizations as the Allegheny County Vocational Rehabilitation Center, United Mental Health Services, Forbes Hospital System, and the United Way of Southwestern Pennsylvania; and,

WHEREAS, in addition to his many other personal commitments, Paul is a member of a U.S. Department of Labor National Apprenticeship Program committee, the Labor Participation Committee of United Way, and the Labor Management Advisory Council; and,

WHEREAS, the Variety Club of Pittsburgh, the well-established children's charity, will award Paul Stackhouse, Sr. the honorable title of Variety's Man of the Year for his diligent service, in keeping with the club's annual tradition of honoring the contributions of local leaders to the community.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh commends the Variety Club for its invaluable and charitable services to children and generous annual tributes.

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh recognizes the important contributions that Paul Stackhouse has made to the Pittsburgh community, and does hereby declare the day of July 10, 1994, as "Paul Stackhouse, Sr. Day" in the City of Pittsburgh.

SPONSORED BY CITY COUNCILMEMBERS BOB O'CONNOR, DAN COHEN, JOE CUSICK, JIM FERLO, ALAN HERTZBERG, DAN ONORATO, GENE RICCIARDI AND CHRISTOPHER SMITH.

MR. O'CONNOR moved to adopt the resolution.

MR. COHEN seconded the motion.

Which motion prevailed.

Mr. O'Connor:

Before I bring Paul up, I would like to bring Kim Eaton, the Chairman of the Ox Roast. I know I have been a member of the Variety Club for many years and it is an outstanding dinner. And, Kim, will you please come up and tell us about it.

Ms. Eaton:

I have been honored once again this year to be the Chairman of the annual Ox Roast. For those of you who don't know, the Variety Club is an organization which raises money and then distributes to childrens' charities. We don't have any one particular charity, our only criteria being that it is a worthy charitable organization and it involves children.

Each year we have an Ox Roast where we honor someone from the area to thank them for their contribution. People ask me, well, why an Ox Roast, but at that time, friends and sometimes foes, of the honoree get to roast them but as I told this years, you always get the last word.

So, on Sunday at the Sheraton in Station Square at 5 o'clock we will be honoring this years recipient, a member of the Variety Club himself, and the board could think of no more worthy

honoree than Mr. Paul Stackhouse, Sr. I will introduce him to you.

Mr. Stackhouse:

Thank you very much. Mr. President, members of Council, friends and laborers, ladies and gentlemen, after hearing that, I shouldn't speak in my honor, because it seems like I'm ahead and I should sit down. But, I want to thank Council again, as I've done before, for permitting proclamations and honoring laborers, men and women laborers, and I think that's what makes our City so great with laboring, management doing better things than people give us credit for.

I've never been honored to the extent that I've agreed to be roasted, and I don't know how to respond because you have to keep it clean there, and I wouldn't know how to talk to Kungensmith without getting a little on the other side, but appreciation, really. And, I know that the Variety has done so many fine things over the years, as me and laborers have done with community service, they kind of work together, fit together, where both sides are -- have seen the wall of Jericho, they're wonderful, they've done a very good job and I appreciate very much the opportunity. Again, I don't know how to prepare myself, but I've got a shiner here, I had an eye operation, he said, learn how to move, Paul, he said, you should never get hurt.

But, again, thank you very, very much and all those who made this possible, I appreciate it and, again, hoping we can work with you as we have done in the past and solve a lot of the unsolved and solve problems. Thank you very much.

The Chair:

Thank you, sir. And, Kim, thank you for all your hard work with the Variety Club, we appreciate it.

Paul, if you go another 20 years as President of the Labor Council, I'll get you one of these big trophies.

Mr. Cohen:

I also want to thank Councilman O'Connor for taking the initiative on this proclamation and thank everybody for coming down, and particularly Mr. Stackhouse for being named Variety Club's Man of the Year; you're a legend in Pittsburgh and your name is synonymous with labor and it is just terrific to have you being honored in this way and I look forward to sharing some Ox Roast with you. Congratulations.

The Chair:

Thank you very much, Mr. Stackhouse. Congratulations.

Now we are going to get to the main event here with these trophies. We have got some great young people in the audience that deserve a lot of praise from our City residents. I am very honored and pleased to call on Councilman Gene Ricciardi.

Mr. Ricciardi:

Thank you, Mr. President. I am honored to stand before you today to deliver these resolutions that have been sponsored by all members of Pittsburgh City Council, and we have with us today five marble champions, and if they could please come forward with their honored guests.

And, at this time, however, I would like to apologize for a slight mistake from my office, and our sixth champion, Mr. President, is not with us today, he is from Lawrenceville, however, and his name is Danny Lagamba. Again, that's Danny Lagamba from Lawrenceville who is not with us today but is also one of the marble champions that represented the City of Pittsburgh in the national tournament.

We have with us today our five champions, Colleagues. We have Peter Zlokas, also Kenneth Shuttleworth, Justin Zlokas, we have Stephanie Zlokas and also Kim Marie Shuttleworth.

And, I would like to start with our boy champions, and if you paid close attention to the last names, you will see that we have brother/sister acts here that represented the City of Pittsburgh and Allegheny County and went down to the national tournament.

And, I will abbreviate the resolutions, however, they will be transcribed into the record in their entirety. I would like to start with Peter Zlokas.

MR. RICCIARDI PRESENTS

No. 739 WHEREAS, the 1994 National Marbles Tournament for qualifiers ages 8 through 14 was held in Wildwood, New Jersey June 19 through June 23, 1994; and,

WHEREAS, the marble-shooting boys and girls from the City of Pittsburgh have traditionally done well in the National Marbles Tournaments and have won at least seven national titles since 1976; and,

WHEREAS, Peter Zlokas, 12, a South Side resident and 6th grade student at Greenway School, placed 1st in the Allegheny County Marbles Tournament to win his 2nd trip to the National Marbles Tournament; and,

WHEREAS, Peter Zlokas shot well at the National Marbles Tournament and proved to be an excellent representative of the young people of the City of Pittsburgh at the tournament in Wildwood, New Jersey.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Pittsburgh hereby congratulates Peter Zlokas on placing 1st in the Allegheny County Marbles Tournament and winning a trip to the National Marbles Tournament.

BE IT FURTHER RESOLVED that the Council of the City of Pittsburgh declares Tuesday, July 5, 1994 "Peter Zlokas Day" in the City of Pittsburgh.

SPONSORED BY COUNCILMEMBERS RICCIARDI, FERLO, COHEN, CUSICK, HERTZBERG, O'CONNOR, ONORATO AND SMITH

MR. RICCIARDI moved to adopt the resolution.

MR. SMITH seconded the motion.

Which motion prevailed.

Mr. Ricciardi:

Let me add, the one marble champion that is not with us today, again, is Danny Lagamba from Lawrenceville, and the five that are with us today I am very proud, also, to say, are all from the South Side of Pittsburgh, and we are very fortunate the South Side continues to turn out marble champions because they have good coaches and they have a good playing field on St. Michaels Street where they all practice.

Our next champion is Kenneth Shuttleworth.

MR. RICCIARDI PRESENTS

No. 740 WHEREAS, the 1994 National Marbles Tournament for qualifiers ages 8 through 14 was held in Wildwood, New Jersey June 19 through June 23, 1994; and,

WHEREAS, the marble-shooting boys and girls from the City of Pittsburgh have traditionally done well in the National Marbles Tournaments and have won at least seven national titles since 1976; and,

WHEREAS, Kenneth Shuttleworth, 11, a South Side resident and 4th grade student at Prince of Peace School, in his second year of organized tournament competition, placed 2nd in the Allegheny County Marbles Tournament to win his first trip to the National Marbles Tournament; and,

WHEREAS, Kenneth Shuttleworth shot well at the National Marbles Tournament and proved to be an excellent representative of the young people of the City of Pittsburgh at the tournament in Wildwood, New Jersey.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Pittsburgh hereby congratulates Kenneth Shuttleworth on placing 2nd in the Allegheny County Marbles Tournament and winning a trip to the National Marbles Tournament.

BE IT FURTHER RESOLVED that the Council of the City of Pittsburgh declares Tuesday, July 5, 1994 "Kenneth Shuttleworth Day" in the City of Pittsburgh.

SPONSORED BY COUNCILMEMBERS RICCIARDI, FERLO, COHEN, CUSICK, HERTZBERG, O'CONNOR, ONORATO AND SMITH

MR. RICCIARDI moved to adopt the resolution.

MR. SMITH seconded the motion.

Which motion prevailed.

Mr. Ricciardi:

And, also, our next marble champion, also from the South Side, we have Justin Zlokas, who placed third in the Allegheny County champions, and he also had a trip to the National Marble Champions.

MR. RICCIARDI PRESENTS

No. 741 WHEREAS, the 1994 National Marbles Tournament for qualifiers ages 8 through 14 was held in Wildwood, New Jersey June 19 through June 23, 1994; and,

WHEREAS, the marble-shooting boys and girls from the City of Pittsburgh have traditionally done well in the National Marbles Tournaments and have won at least seven national titles since 1976; and,

WHEREAS, Justin Zlokas, 10, a South Side resident and 4th grade student at Phillips Elementary School, placed 3rd in the Allegheny County Marbles Tournament to win a trip to the National Marbles Tournament.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh hereby congratulates Justin Zlokas on placing 3rd in the Allegheny County Marbles Tournament and winning a trip to the National Marbles Tournament.

SPONSORED BY COUNCILMEMBERS RICCIARDI, FERLO, COHEN, CUSICK, HERTZBERG, O'CONNOR, ONORATO AND SMITH

MR. RICCIARDI moved to adopt the resolution.

MR. SMITH seconded the motion.

Which motion prevailed.

Mr. Ricciardi:

Our next champion is Stephanie Zlokas, and I would like to take this opportunity.

MR. RICCIARDI PRESENTS

No. 742 WHEREAS, the 1994 National Marbles Tournament for qualifiers ages 8 through 14 was held in Wildwood, New Jersey June 19 through June 23, 1994; and,

WHEREAS, the marble-shooting boys and girls from the City of Pittsburgh have traditionally done well in the National Marbles Tournaments and have won at least seven national titles since 1976; and,

WHEREAS, Stephanie Zlokas, 13, a South Side resident and 8th grade student at Greenway School, placed 2nd in the Allegheny County Marbles Tournament to win her 4th trip to the National Marbles Tournament; and,

WHEREAS, Stephanie Zlokas shot well in all of her preliminary matches at the National Marbles Tournament to secure a place in the final match on Thursday, June 23, 1994.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Pittsburgh hereby congratulates Stephanie Zlokas on placing 2nd in the 1994 National Marbles Tournament and wishes her well in upcoming marbles competition and all of her future endeavors.

BE IT FURTHER RESOLVED that the Council of the City of Pittsburgh declares Tuesday, July 5, 1994 "Stephanie Zlokas Day" in the City of Pittsburgh.

SPONSORED BY COUNCILMEMBERS RICCIARDI, FERLO, COHEN, CUSICK, HERTZBERG, O'CONNOR, ONORATO AND SMITH

MR. RICCIARDI moved to adopt the resolution.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

Mr. Ricciardi:

And, at this time I would like to ask Councilman Ferlo if he could present the two trophies to Stephanie, they were given to her in the National Marbles Tournament.

The Chair:

These trophies are bigger than me. So, congratulations. We're going to get an explanation of the trophies up here. Come on.

Mr. Ricciardi:

Come on up, Stephanie.

The Chair:

Don't be bashful. Come on we want you to explain them.

Mr. Ricciardi:

And, colleagues, please keep in mind that they have competed with students and young people from across the nation. So, this is a big, big honor for them and big title and we really congratulate them.

Stephanie Zlokas:

I got my two trophies in the Nationals. The bigger one is from coming in second at the Nationals, and the other one is a stick trophy. The object is to try to get seven out of the thirteen marbles out on your first shot.

Mr. Ricciardi:

And, I am also very honored to read our last, which is Kim Marie Shuttleworth.

MR. RICCIARDI PRESENTS

No. 743 WHEREAS, the 1994 National Marbles Tournament for qualifiers ages 8 through 14 was held in Wildwood, New Jersey June 19 through June 23, 1994; and,

WHEREAS, the marble-shooting boys and girls from the City of Pittsburgh have traditionally done well in the National Marbles Tournaments and have won at least seven national titles since 1976; and,

WHEREAS, Kim Marie Shuttleworth, 13, a South Side resident and 8th grade student at Prince of Peace School, in her third year of organized tournament competition, placed 1st in the Allegheny County Marbles Tournament to win her third trip to the National Marbles Tournament; and,

WHEREAS, Kim Marie Shuttleworth was victorious in the best-of-15 championship match by a score of eight games to six to become the 1994 National Marbles Tournament Champion; and,

WHEREAS, Kim Marie Shuttleworth was awarded a plaque, a trophy, a statuette, and a $2000 college scholarship.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Pittsburgh hereby congratulates Kim Marie Shuttleworth on being the 1994 National Marbles Tournament Champion and declares Tuesday, July 5, 1994 "Kim Marie Shuttleworth Day" in the City of Pittsburgh.

SPONSORED BY COUNCILMEMBERS RICCIARDI, FERLO, COHEN, CUSICK, HERTZBERG, O'CONNOR, ONORATO AND SMITH

MR. RICCIARDI moved to adopt the resolution.

MR. COHEN seconded the motion.

Which motion prevailed.

Mr. Ricciardi:

I would like to ask, Kim Marie, would you like to say a few words before our President presents your trophy?

Kim Marie Shuttleworth:

Dear members of City Council, family and friends, I would like to take this opportunity to thank you for all your support, which has played a key role in my winning of the Allegheny County and National Marbles Tournaments.

Marbles is something I think that a child can hold onto because of the support and the fact that there are no losers.

At this time I would like to thank God for my talents, Walt Lease for teaching me and making it possible for Pittsburgh to continue on as the City of Champions, Carolyn Simone for her support and efforts, Jimmy Bazilvac and Debbie Gorman, their

supportive efforts, and last but not least, Stephanie Zlokas, for giving me great competition and hopefully looking at this as not losing but as doing the best she could.

And, also, fellow teenagers, shoot marbles and not guns. Thank you for your time.

The Chair:

This is probably the second time around for you, but we are going to represent the trophy to you. If you can carry it. I had a hard time even carrying it.

And, I think on behalf of all of our colleagues, we really want to applaud each and everyone of you, including our young friend from Lawrenceville, I know historically the Lawrenceville neighborhoods had a good track record in playing marbles for many years, in fact, we learned from a well-known South Sider, who's taught many children throughout the City.

So, we just want to applaud all of you, it is a great day and we really appreciate your hard work. We should be proud of the parents today also.

Mr. Ricciardi:

Thank you. You know marble playing is a very disciplined sport and they put in many, many hours. But, it is very interesting, as you could see, all the champions are friends and they all placed first, second, first, second and third, and I think that is what really counts, it is young people working together in competition but at the same time showing the respect that they do to each other. And, again, as Council President, Mr. Ferlo, has mentioned, that it takes parents and it takes coaches to really pull them through.

And, at this time I would like to ask Beth Ann if she would come forward and maybe introduce some of our adults and some of our coaches that are not here today and then I will close, and I would thank my colleagues for their time.

Ms. Davic:

The coaches who could not be present today are Carolyn Simone and Walter Lease, who have done an outstanding job with these kids.

Standing in the back here is Sonia Zlokas, mother of Stephanie, Justin and Peter; Christine Masland, mother of Kim Marie Shuttleworth and Kenny Shuttleworth; Mr. and Mrs. Davic, who are the grandparents of Kim and Kenny Shuttleworth, and Kim's cousin Justin Davic.

The Chair:

Thank you all. You should be very proud of yourselves today. Thank you all and congratulations once again, especially the parents for all their hard work. I like that, shoot marbles, not guns. I like that.

Councilman Ricciardi, I believe you have another proclamation.

Mr. Ricciardi:

Thank you. And, keeping on the same keel, and that is, really honoring our young people and working with our young people. I would like to ask Mr. Lewis if he could come forward, please. And, he was in the audience. Mr. Lewis, and if you have any other guests with you, please feel free to bring them up.

Mr. Lewis mentioned an idea that he had several months ago and in that idea he ran with it, and I think it is going to be very successful, and hopefully, it is my understanding, that it is going to be also embraced by the Murphy Administration.

I would like to thank you for that work, Mr. Lewis, and I think the resolution really tells all of it.

MR. RICCIARDI PRESENTS

No. 744 WHEREAS, the young people of the Solid Rock Foundation are spearheading an effort to demonstrate to the City of Pittsburgh and the surrounding area that not all young people are caught up in gangs or have a negative, disrespectful attitude. In reality, only a small number of our area young people fit the gang profile; and,

WHEREAS, the project, under the leadership of Reverend Linwood H. Lewis, Jr., Pastor of the St. Paul A.M.E. Zion Church, and James E. Lewis, is entitled "ALL KIDS AIN'T BAD"; and,

WHEREAS, these youth are already very active in and around the Pittsburgh area and many of them are on the honor rolls of their respective schools. One member of this group, Chaunese Turner, won the "Extra Effort" Award at Schenley High School; and,

WHEREAS, all of these young people are trying to demonstrate to their friends a positive attitude; and,

WHEREAS, the ultimate goal of the "ALL KIDS AIN'T BAD" project is to extend a city-wide invitation to all youth to convey positive messages through a production featuring singing, mass choir, dancing, rapping, mime, poetry, essays, instrumentalists, skit artists, steppers, and ensembles. Those on their school's honor roll or in the scholars program will be singled out for recognition, and various positive, motivational speakers will be enlisted for this event.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh recognizes the good works accomplished by so many of the young people of our area, congratulates the young people of the Solid Rock Foundation and their coordinators for their initiative in creating the "ALL KIDS AIN'T BAD" project, and supports the efforts of all those seeking to show the people of the City of Pittsburgh that ALL KIDS AIN'T BAD!

MR. RICCIARDI moved to adopt the resolution.

MR. COHEN seconded the motion.

Which motion prevailed.

Mr. Ricciardi:

Thank you, colleagues. We are always trying to do as much as we can in these Chambers for young people but the real answer is with people, such as Mr. Lewis out there in the neighborhoods, who are really bringing people together, because we -- as the resolution stated, the majority of kids, the overwhelming majority of kids are good solid citizens out there and those are the kids that we just cannot forget, and we have to have good role models and the role models are the good kids, to bring the others in.

And, at this time, Mr. Lewis, I really want to thank you for your work and if you could say a few words. And, I'm sure this is going to be a big success. Could you give us the details of the parade and I think we'll all be there and I'm sure Mayor Murphy will be, too. Congratulations.

Mr. Lewis:

Thank you to the Council members, President Ferlo. This project was something that was really brought on by my pastor, Reverend Linwood Lewis, Jr., with the vision that we need to start focusing on the more positive kids, such as even the marble winners here. Most of the media attention is focused on the negative kids in the City of Pittsburgh, and I think they only really showcase less than five percent of what our youth of the City of Pittsburgh are actually about, and we found out just from working with them that we have a large percentage of kids that are striving to do well but they are just not getting the attention. That brought on the vision, "All Kids Ain't Bad", there is hope in the City of Pittsburgh, but what we needed was the City of Pittsburgh not to jump and do this project for us but to stand behind us and help us to make this a reality and not just a dream. We have a lot of grass root organizations that have a lot of dreams for the City and we are actually trying to make it a reality.

And, we want to thank the Council for the resolution and for the endorsement from my Councilman, Gene Ricciardi. And, once again, we want to thank you. I would like to have my brother have a few words.

The Chair:

Thank you.

Rev. Lewis:

Again, we would like to thank the Council members for this resolution. Just to reiterate what my brother has said, there are a lot of young people in this City alone that want something positive out of life, everybody don't want to gang bang, as a matter of fact, a lot of our young people are afraid of gang banging, but my dream is that the City of Pittsburgh would go back to the communities that we used to have, where children were playing outside, where sticks were fun to play with, and marbles was a fun game, and today in certain

communities it is just not there. So, we are trying to put back in to all communities the same, let every community be equal and let everybody be able to know and help these kids who want something out of life and don't just let them be swept under the rug, let them hide in their yards or in the houses because they fear coming out.

We hope that rec centers will get involved with this and different educational programs will get involved, because in our time we had rec centers that we could go to for free, YMCAs, today, I cannot afford it, Spas, I cannot afford it, and I am sure these young people and some of their families cannot afford it. So, if we would do something in our own communities to lift up these young people, and I am sure if enough of them stand up somebody will see them and want to do something to help them.

We just want to thank you again for all that you are doing in just this City. Without this Council, we know that we would not be as well off as we are but there are other things we need to do and we just hope that you will still encourage the City to do better and help us to get on the right path. Thank you.

The date of the program, July the 16th at the Fulton Theatre at 7 o'clock; the project, "All Kids Ain't Bad", there is hope. The admission is free. So, come and join us in lifting up and encouraging these young people to stay on the level of the good kids rather than the bad. Thank you.

The Chair:

Very good. Thank you.

Mr. Ricciardi:

Thank you, Mr. President.

The Chair:

Thank you very much for your hard work. At this time I would like to call on Councilman Chris Smith.

Mr. Smith:

While they are coming forward, this was one of my teachers in high school. Step on over.

MR. SMITH PRESENTS

No. 745 WHEREAS, Roger R. Babusci has been a resident of Pittsburgh for most of his adult life, and is the father of one teenage daughter, Allison. He began his teaching career in the Pittsburgh Public Schools at Knoxville Jr. High School, after graduating from Duquesne University in 1964. In 1966 he received his Masters Degree in Education from the same University; and,

WHEREAS, in 1971 he began teaching at Schenley High School; he has instructed students in English, Spanish, Speech, and Drama. He began the tradition of The Spring Musical 23 years ago at Schenley, and in 1988 the Gene Kelly Awards for Excellence in high school musical theatre was founded; and

WHEREAS, under the direction of Mr. B., Schenley High School Musical productions have received 18 nominations and 9 Gene Kelly Awards, including Best Actor in 1988 and Best Actress in 1994; and

WHEREAS, in addition to directing The Spring Musical, he also serves as the Scholarship Activities Director, coaches the girls tennis team, supervises the stage crew, and serves as advisor for the Year Book Staff; and

WHEREAS, during his tenure as a teacher at Schenley High School, Mr. B. has positively affected the lives of hundreds of students. He has introduced them to theatre, assisted them in gaining entrance to college, and guided them toward internships and employment in the theatrical world; and

WHEREAS, because of his outstanding work and commitment to students and his dedication to the Arts, Roger R. Babusci was declared "Teacher of the Year" in 1983 and was named Vectors Man of the Year in 1983. Mr. B. has been a member of the Advisory Board of the International Poetry Forum for 20 years.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Pittsburgh pays tribute to Mr. Roger R. Babusci, known as Mr. B. to the Schenley High School Family, for sharing his creative gifts and talents with students of Schenley High School for these many years, and declares

Friday, September 9, 1994 as Mr. B. Day in the City of Pittsburgh.

MR. SMITH moved to adopt the resolution.

MR. COHEN seconded the motion.

Which motion prevailed.

Mr. Smith:

Say a couple of words.

Mr. Babusci:

I would like to thank the Councilmen and especially Councilman Smith; he was a student and not only was he a student of mine but he was a cast member of the very first show that we did, and I am sure his theatrics have served him well over these years.

Mr. Cohen:

What role did he play.

Mr. Smith:

I don't even want that one on the record.

Mr. Babusci:

No, I promised him I wouldn't name the character that he played, because the name might stick.

Mr. Onorato:

We'll talk to you afterwards.

Mr. Babusci:

Okay. But, I would like to thank Council for this honor, and I would like to recognize the people who are with me. My friend, Mary Callahan; my mom, Wanda, and my Principle, Ms. Normandie Fulson, who has been very supportive of the work that we've done with theatre at Schenley, and it is just something that I've always loved and, in fact, have been very grateful for the opportunity to be able to do this at Schenley for all of these years.

And, once again, I would like to thank Chris and the rest of the Council for this honor. Thank you very much.

The Chair:

Congratulations. We very much appreciate your hard work.

I would like our friends from the Western Pennsylvania Historical Society to come forward, please.

Members of Council, I would like to move the following resolution.

THE CHAIR PRESENTS

No. 746 WHEREAS, William Clarence "Billy" Eckstine was born on July 8, 1914 and grew up in the Highland Park area of Pittsburgh attending both Fulton Elementary and Peabody High School; and,

WHEREAS, Billy Eckstine is recognized as one of the most popular vocalists in the United States with 11 gold records, including "Fools Rush In," "I Surrender Dear," "Body and Souls" and one of his first big hits, "Skylark" which was recorded with fellow Pittsburgher Earl "Fatha" Hines' Orchestra; and,

WHEREAS, Billy Eckstine was well noted for developing talent in his band such as jazz legends: Dizzy Gillespie, Charlie Parker, Sarah Vaughn, Dexter Gordon, and Art Blakey; and,

WHEREAS, Billy Eckstine traveled extensively all over the world returning home to Pittsburgh frequently to perform at Hartwood Acres "Jazz Explosion" in 1991 and to sing the National Anthem for the Pittsburgh Pirates in the World Series playoffs; and,

WHEREAS, on March 9, 1993, the talented Billy Eckstine died in Pittsburgh, the City he loved to call "home"; and,

WHEREAS, the Historical Society of Western Pennsylvania was granted approval by the Pennsylvania Historical and Museum Commission to install a marker honoring nationally acclaimed jazz balladeer and band leader William "Billy" Eckstine; and,

WHEREAS, the Billy Eckstine Historical Marker will be installed on Sunday, July 31, 1994 from 3:00 p.m. to 6:00 p.m. AT 5913 Bryant Street where Billy grew up.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Pittsburgh that July 8, 1994 be declared "Billy Eckstine Day" in the City of Pittsburgh in commemoration of his lifelong endeavors and achievement.

MR. COHEN moved to adopt the resolution.

MR. RICCIARDI seconded the motion.

Which motion prevailed.

The Chair:

I want to thank the Historical Society for helping to organize this event. I know the Highland Park Community Club, the East Liberty Development and other neighborhood groups are pitching in. I would like to invite all of our colleagues to be there, hopefully Public Works will help and get the marker up on time.

At this time we have Pat Mitchell and Pam Hinckel here, both from the Western Pennsylvania Historical Society, and we would like to have them say a few words.

Ms. Mitchell:

Pittsburgh has long been a City known for its historic contributions to the world of jazz and perhaps no one exemplifies that pioneering effort more than Pittsburgh's own jazz balladeer and band leader, Billy Eckstine.

It is fitting and appropriate that we acknowledge Mr. Eckstine with an historical marker dedication on July 31st but it is equally appropriate and appreciative that the City of Pittsburgh honor Bill Eckstine with a resolution declaring his birthdate, July 8th, as "Billy Eckstine Day" in the City of Pittsburgh.

On behalf of the Executive Director of the Historical Society of Western Pennsylvania, John Herbst, and our entire staff, the Pennsylvania Historical and Museum Commission, as well as the family of Mr. Eckstine, Judge Warren and Carol Lexen, I extend sincere appreciation to President Jim Ferlo and the entire Council for your efforts in this endeavor. Thank you again.

The Chair:

Thank you very much. Again, I want to thank them both for their hard work and the Society for giving the Highland Park community, more importantly, the Eckstine family, the recognition that is due them very much. I hope all of my colleagues will be able to come out on that Sunday and we hope to see you there. Thank you. I appreciate it.

At this time I would like to move directly to Presentation of Papers. Calling on Councilman Dan Cohen, Committee on Public Safety.

MR. COHEN PRESENTED

No. 747 Resolution authorizing the Mayor and the Director of Public Safety to enter into an Agreement or Agreements with financial institutions for the use of credit cards and/or automatic teller machines to make payments for citations issued by Pittsburgh Magistrate's Court.

Also,

No. 748 Resolution authorizing the City Controller to create a special trust fund to be designated as the Microwave Communications System Trust Fund (MCSTF) for the development of a microwave communications system for the City of Pittsburgh and authorizing the use of monies deposited into said trust fund to cover any and all eligible expenses for the development, acquisition and operation of the microwave system.

Which were read and referred to the Committee on Public Safety.

MR. COHEN moved to suspend Rule 8 by providing for consideration of the bills only until or after the 8th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

MR. ONORATO seconded the motion.

Which motion prevailed.

MR. CUSICK PRESENTED

No. 749 Resolution providing for the issuance of a warrant in favor of Consolidated Rail Corporation in the amount of $395.90 in payment of Railroad Flagging Services required for the inspection of the Radcliffe Street Bridge; and providing for the payment thereof.

Which was read and referred to the Committee on Finance.

Also,

No. 750 Resolution providing for an Agreement or Agreements with property owners within the limits of the Grant Street/Liberty Avenue-Phase III project to permit the City's Contractors to enter upon their property for the sole purpose of constructing a concrete block wall bulkhead at or near the property line to isolate the area under the sidewalk from their buildings' basement.

Also,

No. 751 Resolution providing for a Contract or Contracts, or use of existing Contracts, for Renovations to Various Swimming Pools in CD areas; and providing for the payment of the cost thereof, cost not to exceed $100,000.00 chargeable to and payable from Code Account CDEC 93-103, 4-13-62-1351-93-401-93-13, Index Code #611137.

Also,

No. 752 Resolution further amending Resolution #822, effective October 24, 1989, as amended by Resolution #1145, effective December 13, 1991, entitled "Providing for a License Agreement between the City of Pittsburgh and the United States Department of Army, granting the Army Corps of Engineers a privilege to conduct exploratory drilling in and around the Saw Mill Run Creek in the City of Pittsburgh to facilitate a Local Flood Control Cooperation Agreement, "by extending the time period from thirty months to December 31, 1995.

Which were severally read and referred to the Committee on Engineering and Construction.

MR. ONORATO PRESENTED

No. 753 Resolution granting a License to, Duquesne Light Company for the installation, use, operation, maintenance, repair, renewal and finally removal, of an overhead electrical system consisting of two (2) poles, other fixtures and apparatus on City property, fronting on Barnett Way, 5th Ward, Block and Lot 10-C-56.

Also,

No. 754 Resolution providing for conveyance by the City of Pittsburgh of certain property, under Act No. 171 of 1984, entitled, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984.

Also,

No. 755 Resolution providing for the filing of a petition or petitions for the sale of certain property or properties, acquired at tax sales in accordance with Act No. 171 of 1984, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984.

Which were severally read and referred to the Committee on Finance.

MR. RICCIARDI PRESENTED

No. 756 Resolution providing for an agreement or agreements, or the use of existing agreements for the furnishing of professional services for the benefit of the residents of the City of Pittsburgh effective January 1, 1994 and providing for the payment of the cost thereof which is not to exceed One Hundred Fifty Thousand ($150,000.00) Dollars, chargeable to and payable from Code Account 4-01-35-0077-94-500-94-01, NeighborFair Pittsburgh, Inc., Index Code 876011, Department of Public Works.

Also,

No. 757 Resolution granting unto Clarence and Dorothy Carter with an address at 148 Herndon Street, Pittsburgh, Pennsylvania, 15220, their successors and assigns the privilege and license to construct, maintain and use at their own cost and expense, a portion of a house porch and concrete steps in the right-of-way of Herndon Street in the 20th Ward, 2nd Council District of the City of Pittsburgh.

Also,

No. 758 Resolution changing the name of Freda Way to Swanson Street between Radium Street and Montana Street located in the 26th Ward, 1st Council District of the City of Pittsburgh.

Also,

No. 759 Resolution vacating Hornberger Way between Herbert Way and Dyke Street in the 15th Ward, 5th Council District of the City of Pittsburgh.

Also,

No. 760 Resolution vacating Ozark Way between Herbert Way and Dyke Street in the 15th Ward, 5th Council District of the City of Pittsburgh.

Which were severally read and referred to the Committee on Public Works.

MR. SMITH PRESENTED

No. 761 An Ordinance amending the Pittsburgh Code, Title Nine, Zoning, Article III, Chapter 921, Section 921.02, Zoning District Map No. 12, by changing from "R4" Multiple-Family Residence District to "A1" Commercial-Residential Associated District all that certain property located at 731 Copeland Street and identified as Lot 256 Block 52-D in the Allegheny County Lot & Block System, 7th Ward.

Also,

No. 762 Resolution providing for an Agreement or Agreements or Contract or Contracts, or use of existing Agreements or Contracts, with a Consultant or Consultants, or Vendor or Vendors, for purpose of conducting planning and management studies, and related activities in support of such studies including the purchase of data and data analysis equipment and training in the use of such data and equipment, at a cost not to exceed $180,000.00.

Also,

No. 763 Resolution providing for an Agreement or Agreements with a consultant or consultants for the purpose of providing architectural and design services, consumer surveys and market studies, promotional activities, commercial revitalization planning assistance, and business district management in various neighborhood business districts as part of the City's Neighborhood Business District Revitalization Program at a cost not to exceed $132,500.00.

Also,

No. 764 Resolution renewing Resolution No. 1386 approved by City Council on December 14, 1993 and effective December 15, 1993 authorizing Greenfield Terrace Apartments, Inc. to construct a six-story structure on property located at 3908 Lydia Street with 40 units of housing for the elderly and parking to accommodate 8 automobiles on property zoned "R4" Multiple-Family Residence District, 15th Ward.

Which were severally read and referred to the Committee on Planning, Housing & Development.

THE CHAIR PRESENTED

No. 765 Communication from Paul Hennigan, Director, Department of Finance, submitting a report of deposit and the market value of securities pledged as collateral by City Depositories as of May 31, 1994.

Which was read.

The Chair:

Motion to receive and file.

Mr. Smith:

So moved.

MR. COHEN seconded the motion.

WHICH MOTION PREVAILED.

UNFINISHED BUSINESS

The Chair:

Under Unfinished Business. Reports of Special Committees.

Members of Council, under Robert's Rules of Order, and I would like to read the following: "Reconsider. Reconsider-a motion of American origin-enables a majority in an assembly, within a limited time and without notice, to bring back for further consideration a motion which has already been voted on. The purpose of reconsidering a vote is to permit correction of hasty, ill-advised, or erroneous action, or to take into account added information or a changed situation that has developed since the taking of the vote."

In light of the comments made by some of my colleagues in the paper over the weekend and subsequently to the media, I would like to suggest that a motion is in order for reconsideration on Bill 681, referred to as the Pirate Bond Indebtedness, and I would like to ask for consideration of reconsideration the motion and then discuss whether or not we would actually want to vote to reconsider -- to rescind.

Mr. Onorato:

Point of procedure, Mr. President.

The Chair:

Mr. Onorato.

Mr. Onorato:

Does that require a simple majority?

The Chair:

A majority of the body.

Mr. Onorato:

Thank you.

The Chair:

I am asking procedurally for this body to consider a motion for reconsideration, which then brings back on the table for discussion the actual bill. Now, whether or not we actually vote today to rescind, is a separate discussion.

One possible scenario, if you agree to a motion for reconsideration, is to bring the bill back up on the table, not necessarily have a final vote but discuss the issues that have been discussed in the media; more appropriately, they should be discussed in this legislative body. It would be possible to recess the body, have further discussion with the Administration regarding the specifics of the lease situation before a final vote on the actual motion to rescind. This is just a suggestion.

Mr. Cohen:

Point of order, Mr. President.

The Chair:

Mr. Cohen.

Mr. Cohen:

Are you actually making a motion to reconsider. I don't think --

The Chair:

The Chair can't make a motion.

Mr. Cohen:

-- if I recall -- let me finish, if I may.

If I recall from Robert's Rules, which you have in your hands and I don't, but if I recall, I don't think you are in a position to make that motion, it actually has to be somebody who voted in favor of the legislation.

The Chair:

I think I very clearly stated that I cannot make the motion, one, because I am chairing the meeting, and two, I voted in the negative in the first place.

Mr. Cohen:

I just wanted to understand that.

The Chair:

But, under Robert's Rules, someone voting in the majority does have the power to do this. There is a precedent. If you remember, I amended the lease for the Phipps Conservatory back in June of 1993, Mr. O'Connor reconsidered. We had a legal opinion at that time from Solicitor Conturo, which

said it is permitted under Robert's Rules, since that is the adopted rules of this governing body, to reconsider at the next available legislative meeting.

Now, the only reason why I am bringing this up, obviously, is, I did not support the bond issue in the first place, I have made the argument where I thought the money should come from. In the meantime, a number of Council members have made pronouncements regarding the possibility of reconsideration on the merits of the bond issue, in the first place, and, quite frankly, I am advocating for reconsideration. Now, whether or not we actually take a vote to rescind the bill today, is up for this body. But, I would like to ask for consideration of the motion, which puts back on the table for discussion the actual bond issue legislation, Resolution No. 681.

Am I clearly stating my intent? Mr. O'Connor.

Mr. O'Connor:

Can I ask you a question on that? Is there a time frame? In other words, if we rescind it now, do we have to vote within ten days, or is it the Mayor's signature?

The Chair:

I haven't signed the bill, to be quite frank, because I did not like the way the bill was worded, that came from the Law Department, because I thought at the last meeting we very clearly stated we wanted the actual conditions amended into the bill and that was not worded in the final bill. I have not signed it yet. I think mainly it is a technical wording that needs to be straightened out by the City Clerk's Office, that should hopefully be done later today.

So, actually we do not have a signed bill. I do not believe there is any ten-day period, it is just that we have to have resolution to this issue if we do agree for reconsideration. So, we would either have to vote in final form today or actually recess the body for a final vote before this legislative body ends its session.

Mr. O'Connor:

Could we recess today and have final vote tomorrow?

The Chair:

I am suggesting exactly that. I am suggesting we -- the majority vote on reconsideration, that we have discussion, if so be it, at this body, or we recess the meeting and have discussion tomorrow with Administration representatives, and then at the end of the Standing Committees Meeting, we would meet in the Recessed Legislative Meeting and take a final vote on the issue of rescinding. It may be that after further debate and discussion, the majority would not wish to rescind their action, that's up to the body. I am suggesting a possible scenario for further debate and discussion and updating to this governing body what the actual status is regarding the bond issue.

Others have made pronouncements in the newspapers, I haven't.

Mr. Hertzberg:

Mr. President.

The Chair:

Mr. Hertzberg.

Mr. Hertzberg:

I -- after we've approved something, revisiting it and unapproving it, or whatever we would call it, it sounds a little irregular to me, and I know you have just cited Robert's Rules of Order and, I guess, you've mentioned some other precedent. We are supposed to have a parliamentarian who is viewing these sessions, and I would request maybe we can --

The Chair:

A member can ask and request a parliamentarian at any time, including right now.

Mr. Hertzberg:

I am asking and requesting that right now.

The Chair:

The Chair respects the request, and we would ask for a two-minute recess of this body, and we would ask that the City Clerk immediately notify

the parliamentarian, who is down on the third floor, to please come up to Chambers.

At this time I would ask for a two-minute recess.

And on the motion of MR. ONORATO

Council recessed.

Pittsburgh, PA
Tuesday, July 5, 1994

And the hour of recess having expired, Council reconvened.

The Chair:

City Council's Recessed Legislative Meeting is now reconvening.

When we left we asked for a few minutes of recess to hear from the parliamentarian. The question that was raised by the Chair is whether or not the body wishes to support a motion for reconsideration on Bill No. 681, the Chair quoted Robert's Rules of Order, and at that time Mr. Hertzberg asked for a ruling on opinion from the parliamentarian, Mr. Specter. Mr. Specter, could you please come forward and --

Mr. Specter:

As I understand it, the question, not having been in the room at the time it was raised, the question is whether a motion for reconsideration can be presented at this -- made at this meeting to reconsider a vote that was final last week, and the answer is "yes".

The Chair:

Thank you, Mr. Specter.

On the actual issue, though, again, the Chair voted in the negative, I did not support the 8 million dollar bond issue. I am chairing the meeting as President of Council, it is not appropriate for me to make a motion, in the first place, even if I could. I have suggested a particular scenario for this legislative body to have further discussion and debate on the motion, and I would ask for a consideration on the resolution, which was, whether or not we want to move to reconsider Bill 681, not necessarily having a final vote to actually rescind today but to put the bill back on the table for further discussion with the Administration. What is the pleasure of the body?

All the pronouncements over the weekend, I guess, didn't mean anything.

Mr. Onorato.

Mr. Onorato:

Well, I want to make a comment if it is going to be silent.

Obviously I am against reconsidering, Mr. President. I voted for this piece of legislation, along with six of my colleagues, everyone except you, Mr. President, 7-1 was the vote. If we were grading the Pirates, I would give them an "F" in P.R., obviously, since the final vote, what we went through and some of the announcements that came out of the Pirates, but as far as I am concerned, the questions that I asked were answered, the questions that my colleagues asked were answered, we held it several weeks for discussion, had a sub-committee to review the questioning. This is now in the hands of the Administration to negotiate this deal. If the lease concessions fall through and they say, no, to the loan, then I am looking at the Administration to be held responsible, not this body.

As far as I am concerned, the discussion at this body was only about that loan, and as far as I am concerned and my understanding of the whole deal was, if we passed that loan, that would be enough to get this team through 12 months to ride out the storm regarding the vote on the salary cap and on the revenue sharing.

I did not know it was a quid pro quo with the lease concessions and if that is the situation, I haven't been told that by the Administration, I read things in the paper and I saw things on T.V., but as far as I am concerned, that is not our problem and that is not part of this deal. We did our job and I think that it is time to move forward. We have the All-Star Game here this Tuesday coming up, seven days from now, and I think baseball, if it is going to survive in Pittsburgh, is going to take this vote of the revenue sharing and I am willing to ride that

out and that is why I said "yes" to the 8 million dollar loan.

I do not know what is going on here today, but as far as I am concerned, I think the best thing to do is to let this thing go forward and let the Administration, as the Executive Branch, keep negotiating, whatever it takes, to keep the Pirates here in Pittsburgh because of the economic benefits.

The Chair:

Thank you, Mr. Onorato. The Chair, obviously, as well as the public, much of the public, obviously misread the weekend rhetoric of some of my colleagues.

Any other comments? Mr. Hertzberg.

Mr. Hertzberg:

Mr. President --

Mr. Cusick:

Mr. President, should we be having comments in regards to this since there's no motion?

The Chair:

Well, I believe comments would be in order on the actual issue of whether or not we want to reconsider it or not.

Mr. Hertzberg:

I do not want to reconsider it, Mr. President, and I -- you had no rhetoric from me, desire to reconsider this. I think the Pirates settled a lawsuit that they had against the City under the premise that we were going to renegotiate a lease with them, and renegotiating the lease over there was something that was constantly brought up by Mark Sauer when he was here and it has regularly been pointed out that is one of the major factors that must be done in order for this team to become financially viable. And, in fact, I think they are exhibiting financial responsibility by doing what they are doing, because to tell us, hey, an 8 million dollar loan is not going to solve the problem, we need other things.

So, we're not going to take the 8 million dollar loan unless we can get all the things we need, otherwise we may as well sell them, we may as well pack their bags. So, they don't have the whole package. And, I can understand what they are saying, although I think we all are a little bit shocked by it, but when you sit back and you think a little while about it, it is understandable, and I have no desire to reconsider.

The Chair:

Thank you, Mr. Hertzberg. There being no motion on the floor, Mr. Cohen.

Mr. Cohen:

Mr. President, you keep referring to rhetoric. I am not sure who you are referring to, but if you happen to be referring to me, I was very sincere in being upset with the Pirates reaction after we bent over backwards to provide an 8 million dollar loan for the taxpayers, you bet I was upset, I was ticked, I was ticked at Mark Sauer's comments, I felt that they were not in good faith, I felt that it was a slap in the face of City taxpayers. I wasn't much happier but a little happier with the Pirates' board vote. They didn't outright reject the loan but they did not accept it either. I am not happy with either of those things.

But, as far as the comments that I made, what I said was, if the Pirates refused to negotiate in good faith, and if they don't want to accept our 8 million dollar loan, then I think we should take the loan off the table. That's what I said and it is properly quoted and I still feel exactly the same way. If they don't want this loan -- if they don't want it now, or they didn't want it in the first place, they shouldn't have come to us with their hat in their hand. If they don't want it, there's a lot that we can do with it. We can spend it on police hiring, we can spend it on programs for youth, we can spend it on repaving our streets. There's a lot that we can do.

But, the Administration has asked for some time to be able to negotiate with the Pirates because we have to keep our eye on the ball, and what the goal here is, is to keep the Pirates in the City of Pittsburgh because they are a good economic generator and because we do not want to send a message that the City of Pittsburgh is a city in decline.

So, I think that we should give the Administration that privilege of being able to negotiate with them, so that they can hopefully come up with a deal. If they don't, if they don't, we still have a number of weapons in our arsenal, one is that the vote for the 8 million dollar loan was for the bond issue, the City has already gone out on that bond issue. That's Step A. But Step B is to actually take the money that we're borrowing, which is what a bond issue is and then loan it to the Pirates. We don't have to do that. If the Pirates don't negotiate in good faith with the City of Pittsburgh over the lease, then we don't have to take that money that we're borrowing and provide it to the Pirates.

Secondly, if you recall, I had asked the City Solicitor whether or not this Council would have to approve the lease concessions, and the answer was, yes, if there are, in fact, these concessions it would come back before this Council.

So, I think we do still have strong weapons in our arsenal if we need them and I do think that we should give the Administration the opportunity to negotiate to try to keep the Pirates here in Pittsburgh and be able some day to have a championship team as well.

The Chair:

Other comments? Mr. Cusick.

Mr. Cusick:

I, too, Mr. Ferlo, had made comments, I believe, on Saturday, in regards to the Pirates and them saying that they were not ready to accept our loan. I was very upset to hear that, because I believe that everyone had a difficult decision to make last week in our final vote. Up until this morning I was one of the ones that was reconsidering to do that.

After talking with the Administration they assured me that those dollars could be redirected to either a new baseball team coming in to Pittsburgh, if that would happen, or to the capital budget. I feel comfortable with that, Mr. Leeper has assured us that could happen, and if that was the scenario, that would happen.

I am going to give them an opportunity to debate and negotiate a new lease agreement with the Pirates, and hopefully what we set out to do originally will happen, and that is to keep the Pirates in Pittsburgh, no matter if it is with this organization or with another Pirate organization, that is their goal, I believe that is my goal because of the impact they do have to Pittsburgh.

The Chair:

Thank you. Mr. O'Connor.

Mr. O'Connor:

In response to your comments about -- I think you are right about the P.R. that we heard through the media about the rejection, and I think we responded through the media, whether it be right or wrong, I don't know, but I think we should put last week behind us.

This week is probably the most important week and spectacular week in Pittsburgh's sports history. I have been around for two, two or three World Series, Super Bowls, but they came in the last minute and a lot of celebration, but this is a big week for Pittsburgh, Pittsburgh baseball and the fans, and I think the Pirates -- or, the Pirates should take advantage of it, maybe the P.R. of last week on both sides was good or bad, but it certainly isn't going to help the Pirates.

So, what I am asking, right after this meeting -- you appointed me as Chairman of the Sub-committee, we did have a meeting with the Mayor, I would like to know where they are and what direction they are going. Again, it shouldn't be in the media, I think you're right. I would like to keep abreast of that, if you would keep that committee going, because I think this is probably the most important issue facing Council and every one of my fellow Councilmen has talked to us in private of what's going on and I think it's -- after this All-Star Game -- I don't know if they'll -- if we had to do it over again, possibly the lease should have been first and the loan later, but it didn't happen that way. No sense hashing over mistakes or who made them. Our goal is to -- all, I think, including yourself, is to keep the Pirates in town, whatever that will take.

I think next week after this All-Star Game we have to all roll up our sleeves and make the best of

it and whatever happens we have to represent the taxpayers, and not only the taxpayers of the City but the taxpayers and the residents, the whole region, are concerned here. I know we're holding the ball ourselves but I would just like to move on. I think -- let's get this behind us and all work together how we're going to save the Pirates for the future.

The Chair:

Thank you very much for your comments.

There being no motion on the floor, at this time we will move to Reports of Committees.

REPORTS OF COMMITTEES

MR. ONORATO PRESENTED

Bill No. 766

Report of Committee on Finance for June 29, 1994 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 545

A Resolution entitled, "Resolution providing for the acceptance of certain property by the City of Pittsburgh from the First Emmanuel Tabernacle Baptist Church of Pittsburgh and conveyance of certain property by the City of Pittsburgh to the First Emmanuel Tabernacle Baptist Church of Pittsburgh in the 5th Ward of the City of Pittsburgh for a nominal amount for the Martin Luther King Reading Room Project Development."

Which was read.

Also,

Bill No. 685

A Resolution entitled, "Resolution providing for an agreement or agreements with Al Murphy, facilitator, for management, consultant services for the City of Pittsburgh at an aggregate cost not to exceed Two Thousand Five Hundred Dollars ($2,500.00), chargeable to and payable from Code Account 1063 (106302) Miscellaneous Services, Department of Finance."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

The bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Hertzberg	Mr. Ricciardi
Mr. Cusick	Mr. Smith
Mr. O'Connor	Mr. Ferlo (Pres't)

AYES 8 NOES none

The bills having received the legally required number of votes are passed finally.

Also, with a **NEGATIVE** recommendation,

Bill No. 689

A Resolution entitled, "Resolution authorizing and directing the Controller to transfer $10,000,00 into the Department of PUblic Works, Miscellaneous Service Account 1502, from Council Code Account 1001-1. ---(SPONSORED BY MR. FERLO)---(AS AMENDED)--- NEGATIVE RECOMMENDATION

Which was read.

Also,

Bill No. 690

A Resolution entitled, "Resolution authorizing and directing the Controller to encumber the funds in Code Account 1502 for the purpose of engaging the services of a private security firm.---

(SPONSORED BY MR. FERLO)---(AS AMENDED)---NEGATIVE RECOMMENDATION

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

I would like to ask that Bill 689 and Bill 690 be recommitted.

Mr. Cohen:

Motion to recommit.

MR. SMITH seconded the motion.

WHICH MOTION PREVAILED.

The Chair:

Other discussion on any of the other bills? Mr. Cohen.

Mr. Cohen:

Just on the bill regarding the private security firm, to ask that the Solicitor be here as well tomorrow so as to interpret her opinion letter on that.

The Chair:

Actually what I was going to propose, there are two other bills, I would like to have one other bill recommitted to Wednesday, but rather than discuss the bills tomorrow, I have had a discussion with Lieutenant McNamara from the F.O.P. I would like to hold the bills tomorrow, have a meeting with the Solicitor and the F.O.P. and then bring it back in the following week.

Mr. Cohen:

I support that plan.

The Chair:

Other comments? We had two negative bills in the Finance, we will finish reading the rest of the bills in the Finance Committee.

Also, with an affirmative recommendation,

Bill No. 705

A Resolution entitled, "Resolution repealing Resolutions, approved on various dates, authorizing the sale of properties in various wards of the City of Pittsburgh, in accordance with Act No. 171 of 1984."---(AS AMENDED)

Which was read.

Also,

Bill No. 706

A Resolution entitled, "Resolution providing for conveyance by the City of Pittsburgh or certain property, under Act No. 171 of 1984, entitled "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984.

Which was read.

Also,

Bill No. 707

A Resolution entitled, "Resolution providing for the filing of a petition or petitions for the sale of certain property or properties acquired at tax sales in accordance with Act No. 171 of 1984, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984.

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen Mr. Onorato

Mr. Cusick Mr. Ricciardi
Mr. Hertzberg Mr. Smith
Mr. O'Connor Mr. Ferlo
(Pres't)

AYES 8 NOES none

The bills having received the legally required number of votes are passed finally.

MR. RICCIARDI PRESENTED

Bill No. 767

Report of Committee on Public Works for June 29, 1994 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 709

A Resolution entitled, "Resolution granting unto Northside Common Ministries with an address at P.O. Box 99861, Pittsburgh, Pennsylvania 15233, their successors and assigns the privilege and license to construct, maintain and use at their cost and expense, a concrete handicap ramp on a portion of the sidewalk area on Freedmore Street in the 25th Ward, 6th Council District of the City of PIttsburgh."

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were agreeably taken by law, and were:

Ayes:

Mr. Cohen Mr. Onorato
Mr. Cusick Mr. Ricciardi
Mr. Hertzberg Mr. Smith
Mr. O'Connor Mr. Ferlo
(Pres't)

AYES 8 NOES none

The bill having received the legally required number of votes passed finally.

MR. HERTZBERG PRESENTED

Bill No. 768

Report of Committee on Parks and Recreation for June 29, 1994 transmitting two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 688

An Ordinance entitled, "An Ordinance amending the Pittsburgh, Title Six, Conduct, Chapter 616, Damaging, Defacing and interfering with Property, Section 616.01, Prohibited Conduct, to specifically protect parks and park fixtures from damage or defacement.---(SPONSORED BY MR. FERLO)

Which was read.

Also, with a **NEGATIVE** recommendation,

Bill No. 691

A Resolution entitled, "A Resolution authorizing and directing the Director of the Department of Public Works, Miscellaneous Service Account 1502, to hire an private security firm to protect parks and playgrounds from vandalism.---(SPONSORED BY MR. FERLO).---NEGATIVE RECOMMENDATION---(AS AMENDED)

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

I would like to suggest that we recommit Bill No. 691, but that we act in the affirmative on Bill 688, which just adds another example of Prohibited

Conduct, meaning park equipment, play equipment, et cetera, recreation buildings will not be destroyed. I do not think there is really any argument with that one.

Motion to recommit on 691, Mr. Hertzberg?

Mr. Hertzberg:

So moved.

MR. ONORATO seconded the motion.

The Chair:

Motion has been made to recommit Bill No. 691. All in favor?

WHICH MOTION PREVAILED.

Mr. Hertzberg:

On 688, I think this is good legislation, I hope everyone will support it, just adding another provision, making certain acts within the parks, acts of vandalism, also offenses under City Code, and I think it is a good bill.

The Chair:

Thank you, Councilman. Other comments?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Ricciardi
Mr. Cusick	Mr. Smith
Mr. Hertzberg	Mr. Ferlo
Mr. Onorato	(Pres't)

AYES 7 NOES none

The bill having received the legally required number of votes passed finally.

MR. CUSICK PRESENTED

BILL No. 769

Report of Committee on Engineering and Construction for June 29, 1994 transmitting two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 701

Resolution amending Resolution No. 917, effective August 30, 1990 entitled "Providing for a Contract or Contracts for the Installation of the Computerized Traffic - Responsive Traffic Control System in the Central Business District; providing for a Reimbursement Agreement with the Commonwealth of Pennsylvania, Department of Transportation; and providing for the payment of the cost thereof," by providing for an Agreement with Duquesne Light Company and reappropriating the funds."

Which was read.

Also,

Bill No. 702

A Resolution entitled, "Resolution providing for a Contract or Contracts, or the use of existing Contracts for Street Tree Planting at Various Locations; and providing for payment of the cost thereof, cost not to exceed $100,000.00."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Smith
Mr. O'Connor	Mr. Ferlo
	(Pres't)

AYES 8 NOES none

The bills having received the legally required number of votes are passed finally.

The Chair:

That concludes our Reports of Committees.

Are there any discussion or any matters under Motions and Resolutions?

MOTIONS AND RESOLUTIONS

The Chair:

Councilman Onorato.

Mr. Onorato:

I would just request the Clerk to make sure that we invite the Director of Public Works tomorrow regarding my bill regarding the removal of the Division 1 out of Riverview Park.

And, also, I talked with Councilman Cohen about this piece of legislation, too, but Chief Kennedy, regarding EMS activity in the City and activities that take place within the City, if he could be at the table tomorrow, too, the Chief. Thank you.

The Chair:

Thank you, Councilman Onorato. Councilman Cohen.

Mr. Cohen:

Mr. President, speaking of Public Works, I do want to take a moment and thank Councilman Ricciardi for putting together the seminar, really is what it was, by the entire Public Works Department, I thought it was very useful and provided a lot of information. I think it also will help interaction between Council and the Public Works Department.

The Chair:

Thank you very much. Thank you, Mr. Ricciardi, for putting that meeting together this morning.

I would like to ask for a motion to approve the minutes.

MR. ONORATO moved to approve the Minutes of Tuesday, June 28, 1994 and Wednesday, June 29, 1994.

MR. CUSICK seconded the motion.

Which motion prevailed.

The Chair:

Any other comments? If not, I will entertain a motion to adjourn.

And on the motion of MR. COHEN

Council adjourned.

MUNICIPAL RECORD

Proceedings of the Council of the City of Pittsburgh

VOL. CXXVIII *July 12, 1994* *No. 28*

Municipal Record

ONE-HUNDRED TWENTY-EIGHTH COUNCIL

JIM FERLO.....President
LINDA M. JOHNSON-WASLER.....City Clerk
KURT J. SALAC.....Asst. City Clerk

Pittsburgh, PA
Tuesday, July 12, 1994

PRESENT:

Mr. Cohen	**Mr. Onorato**
Mr. Cusick	**Mr. Ricciardi**
Mr. Hertzberg	**Mr. Smith**
Mr. O'Connor	**Mr. Ferlo (Pres't)**

The Chair:

Would you all please rise for the Pledge of Allegiance and would you please remain standing for a moment of silent prayer.

At this time I am very pleased and honored to have my nephew here from Rome, New York, Paul Ziminiski, Jr., his dad, Paul Ziminiski, Sr., is here, my best friend growing up. My good friend from Miami, Joel Lumer, is in Chambers also. And, Paul Ziminiski will lead us in the Pledge of Allegiance.

Paul Ziminski:

I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with Liberty and Justice for all.

The Chair:

Thank you. Paul, I do not know if you want to extend greetings to Council. Paul's mom, Sharon, and sister, Cassandra, are on their way to Georgia to visit some other relatives, and obviously he is here for the All-Star Game and we gave him a special permit to where that New York Yankee T-shirt. I told him he better have a police body guard today. But, he is a great kid and he has had a great time here in the City of Pittsburgh. Have you had a good time here in our great City?

Paul Ziminski:

Oh, yeah.

The Chair:

Very good.

PRESENTATIONS

At this time we have a number of honored guests in the audience. I am very pleased to see Senator Dawida also with us in Chambers today. Good morning, Senator. And, I would like to call on Councilman Cusick for a history making proclamation, appropriately made on this day. Senator, would you like to join us.

Mr. Cusick:

Please.

As most of you know, to the left of me is Senator Dawida.

MR. CUSICK PRESENTS

No. 770 WHEREAS, the Pennsylvania State Lottery Act of 1971 was established for the

purposes of providing for a lottery which revenue would be used for tax relief and reduced transit fares for the elderly and to curb illegal gambling operations in Pennsylvania; and,

WHEREAS, over the past twenty-three years the State Lottery has developed hundreds of different lottery games for the enjoyment of lottery players and those games have raised billions of dollars that have benefited various state programs; and,

WHEREAS, on June 23, 1994 State Senator Michael Dawida introduced Senate Bill #1785 which amends the State Lottery Act by creating two lottery games a year that would provide a source of funds for the repayment of bonds on economic development projects such as sports arenas, stadiums, convention centers and other large scale facilities undertaken as economic development projects by a government agency or authority with a portion of the proceeds continuing to provide the same level of additional benefits to senior citizens; and,

WHEREAS, the initial project to be funded by Bill #1785 is for a sports stadium in the City of Pittsburgh, with the hope that it will be a baseball only stadium similar to Jacobs Field in Cleveland and Camden Yards in Baltimore that would provide for additional economic development and entertainment for the residents for the City of Pittsburgh and the region; and,

WHEREAS, the development of such a stadium would help to the continued desirability and success of major league baseball in the City of Pittsburgh.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Pittsburgh hereby joins the efforts of State Senator Michael Dawida in supporting Senate Bill #1785 and urges its prompt passage; and,

BE IT FURTHER RESOLVED by the Council of the City of Pittsburgh that the City Clerk is hereby directed to transmit copies of this resolution to Governor Robert Casey and the entire body of the Pennsylvania State Senate.

MR. CUSICK moved to adopt the resolution.

MR. ONORATO seconded the motion.

The Chair:

Roll call vote. This is a non-binding resolution.

Ayes:

Mr. Cusick Mr. Smith
Mr. O'Connor Mr. Ferlo
Mr. Onorato (Pres't)

AYES 5 NOES none

ABSTAINING:

Mr. Cohen Mr. Ricciardi
Mr. Hertzberg

WHICH MOTION PREVAILED.

Mr. Cusick:

Well, I asked State Senator Michael Dawida to come here today to explain. I understand that some of my colleagues probably have a lot of questions in regards to this bill and I think that I am going to give the floor to Senator Dawida and he will be able to explain the purpose and what this bill will do for the City of Pittsburgh. Senator.

Sen. Dawida:

Thank you. The park will be built, by the way, in Havanna. No.

The Chair:

I want to remind the Senator, I've also been to Warsaw, Poland, where he has been.

Sen. Dawida:

That's right.

Mr. Cohen:

Move to reconsider the bill.

Sen. Dawida:

No. Very simply, so that -- some of you have questions, should know that this is modeled after something that occurred in Maryland, and while I would like to say that I had a creative idea that no one else had, this is after what Maryland did to

build Camden Yards, and essentially it is a very simple proposal.

Two to four times a year the lottery would do a special $2.00 lottery, and this would be a big hit kind of lottery on a sports motif, which would bring in business that the lottery ordinarily does not have. The seniors would still get their half share, and so in a sense we would actually create a new niche and the seniors would benefit from this. And, I know you are all for benefiting the seniors. The program the state has run is one of the best and largest in the whole country. We will find a way in this lottery to actually increase the take for the Senior Citizens.

Secondly, we would create an economic development fund, which would be the purpose of the rest of the profits of the lottery, the state would not get a profit. The money we would get would then go to you, as a matter of fact, because in the legislation it is designated that the first project should be a baseball field in a city of the second class and, of course, there's one of you. So that Pittsburgh would be the example of it.

In Baltimore they started this in 1988, and they -- basically you float bonds and then you pay off the bonds. In Baltimore, this is 1994, six years after the initial legislation passed in Maryland and they paid off 80 percent of their bond already and they are actually paying off ahead of schedule. So that not one taxpayer dime would occur.

So, we would build a stadium for free to you, it would benefit Pittsburgh because it would provide a base so the baseball teams stay, it would benefit the Senior Citizens. So, it is one of those rare things where it is actually a win, win and a win. These things can be done, oftentimes we think that they are mutually exclusive.

And, the other question that somebody indirectly brought up is siting. The siting would be your responsibility, not the state's. If you want to build it in Lawrenceville, or the Strip District --

The Chair:

If we build in Lawrenceville, they will come.

Sen. Dawida:

They will come. And, if you don't want to build it on the South Side, that's all well and good, too. That is not literally the business of the state, it should be the business of the localities, just as in many other areas of controversy that will be coming, for example, in Riverboat Gambling. The truth is that you ought to have the control over siting and in all these issues I believe that is the way it ought to be.

And, then finally, the one question, and it is a fair question, the Strategy 21 money has been allocated for the upgrading of Three Rivers Stadium. If the Pirates were to leave Three Rivers, obviously there would have to be a different use for the stadium than it is used now. But, let me ask you -- you know the rhetorical question is, what happens if the Pirates leave, to the stadium? Obviously that stadium cannot be run based on eight football games a year. So, we need to find alternative uses for it. And, I don't in this legislation tell you or come up with what that is. I would suggest to you, concerts is one way to do it but there are others as well. So that we do not directly deal with that stadium but the state in some of its other programs is trying to come up with appropriate monies to upgrade Three Rivers Stadium. Those kinds of decisions, though, in the long run will be yours and not ours.

But, I came up with essentially an idea that would help save the team, provide a benefit to the City and not cost taxpayers any money, which I think is one of the best ways to do business, obviously, and one that I cannot really imagine why anybody would be opposed to.

So, I thank you for your time and attention, and is it appropriate to answer questions, or is that --

The Chair:

Well, we probably have a few comments. I would like to start off by, first of all, applauding the good Senator. I think it is rare that we have a State Legislator that comes and steps up to the plate and suggests an idea that actually raises revenue and raises revenue that does not fall solely on the backs and the burden of the City taxpayers, and I applaud him for this initiative.

Obviously, what the Senator is proposing is yet the tip of the iceberg of the public policy, the debate, that will ensue, not only statewide, in his chambers, but locally, probably every radio talk show, the newspaper editorialists, Letters to the Editor. I think it is important that we initiate this debate, it may take five years to have this debate but I think it is an important starting point. A lot of the decision making control will rest with this legislative body, the Mayor and the Urban Redevelopment Authority, and I would like that part of the bill. I think it is clear the funding source is important. I think the Senator has made some good arguments.

I voted "yes" because I would like to have this public debate begin in earnest. I think we should help lead that discussion among the public involved in this decision.

I also want to applaud Mayor Murphy, who I think is supportive of this proposal and his particular slant is that the baseball only stadium should not be a free-standing stadium unto itself but should be an integral part of an economic development strategy, either for the Downtown or the corridors within the City of the riverfronts, and I think that is an important aspect that we should explore.

So, I voted "aye" in the affirmative because I look forward to hearing from the public and wanting to pursue this debate in discussion.

Other of my colleagues have any comments? Councilman Hertzberg.

Mr. Hertzberg:

Thank you, Mr. President. Thank you very much, Senator Dawida, for coming here and thank you for all your hard work and your innovative ideas on this. And, the new stadium and the source of the revenues sound like an excellent idea to me, but it seems like whenever you come up with something new there is always a drawback that goes with it and that is why I had to abstain on this and that is primarily because of the situation with the stadium we currently have and the debt structure on that, and if we did build a baseball only stadium we would lose one of our two major tenants there and I would be very concerned that, in fact, this burden of the current debt would fall on the taxpayers' shoulders, and we may be able to resolve that problem, but until we do, I'm going to -- that's why I abstained. I am going to take a wait-and-see attitude to see if we can resolve what we do with the current stadium before I go for the next one.

The Chair:

Then, Councilman, you definitely may want to introduce your mother here today in Chambers.

Mr. Hertzberg:

Mr. President, thank you. I did not know if that would be appropriate or not.

The Chair:

It is definitely appropriate.

Mr. Hertzberg:

My mother, Ruth Hertzberg, is here and she has brought with her a guest from the country of Bulgaria.

Ms. Hertzberg:

She's from Sofia, your sister city. This is Dr. Ivanka Nikolova.

The Chair:

Very honored to meet you and have you in Chambers today. Welcome to our country and welcome to our City of Pittsburgh. Thank you.

Councilman Ricciardi and then Councilman Onorato.

Mr. Ricciardi:

Thank you. I also would like to thank Senator Michael Dawida for joining us today. It is very rare, as Mr. Ferlo had stated, that we do receive our State Legislators into these Chambers, and we do welcome them as in the future.

I have several concerns and I have had the opportunity for a few minutes to speak to Senator Dawida in our hallway, and the first is that the lottery was created for our seniors, and that is, society will be judged the way we take care of our elderly.

And, my first initial concern is opening up the flood gates to the lottery for other purposes or issues, such as, in this case, economic development, and that is, where would it stop. The lottery was created to take care of our seniors and now we might do it, use the lottery, to build a stadium; in the future another senator, or another state representative for some other part of the state, might come up with something else. We know that the lottery has been stagnated to a certain degree in the past but expenditures and the demands on the lottery continue to grow. So that is the first reason I abstain, and that reason is, I am very concerned that we do not open up the flood gates at this particular time.

My other concern is, if you look at the state budget, you will see that the City of Philadelphia, in some of their demands, did not have to go to a lottery system but were funded through the budget themselves. So, that is another concern I have.

And, the other concern, and I was very honest with the good Senator here today, and that is, the site location, and what I wanted to make sure is that in these Chambers that I do not put the cart before the horse and that we had an opportunity to have those discussions. So that is the reason I, in good conscience, abstain, however, I did not vote "no" as a courtesy to the Senator and my colleague Mr. Joseph Cusick. Thank you.

The Chair:

Thank you, Councilman Ricciardi. Councilman Onorato.

Mr. Onorato:

Yes. Senator, I will also join in with the thanks. As you know, I understand up on the senate floor you get word sometimes that this body might be debating something and it is very critical of state senators or reps on certain issues, particularly with our frustration with the crime; however, I think it is important that we also congratulate you and give recognition when, I think, innovative ideas come to the table.

I am excited about the bill for several reasons. One, the final version of this bill, if it ever gets voted on, it could look a lot different, but the idea is you are at least discussing the issue of looking for a large revenue source outside the City of Pittsburgh, which I think is critical. And, I also like the idea in that you are looking at the future baseball in the City for the next hundred years, not the day to day fighting that we have to do right now, which is important, just keep them here this year, but where are we going to be in ten years from now? I think this is the way to go. Everyone can see by the numbers that baseball only stadiums are a thing to be dealt with. Camden Yards, Cleveland -- Cleveland, especially with the economic development around there, and we have the riverfronts, they have the lake fronts. So, we could do a lot of that here.

I just want to wish you well and some good luck because you still have to get the votes, and one thing we learned in Western Pennsylvania, or at least Pittsburgh, we don't have the votes to just go up there from this side and get things passed. You have to deal with a lot of different regions and sell the idea to people that might never get to this ballpark, why they should support it. If there is anything that we can do to help you with those votes, please let us know, and I wish you well, and thank you.

The Chair:

Councilman Cohen.

Mr. Cohen:

Thank you, Mr. President. I will also join in the chorus of welcoming Senator Dawida here and also for his creative idea in putting forward this bill. I would love to see a baseball park here in the City of Pittsburgh, I would love it to be a modern replica of Forbes Field, if that can be done, and I agree that this is an important starting point for putting together the funding necessary for that ballpark. I am just not ready to lock myself in as to whether this is the best means of financing it. I learned about this late yesterday afternoon, and haven't had a chance to talk to State Lottery Officials, to Senior Citizens' organizations, et cetera, and I just do not know if this is the best way to finance the ballpark, I have not seen any numbers as to what the projections are, I am sure that Senator Dawida has done that and I appreciate him stopping by my office before the meeting, but I would like to see those numbers, I would like to ensure that this proposal will not decrease funding for Senior Citizens. We all know that the current lottery has a tremendous number of programs for

Senior Citizens and we would not want to see those impaired.

Let me just say one other thing, if I could, which is relevant to this, I think, and that is, I went to Jacobs Field about a month ago, I think it is a fantastic ballpark, the Indians are also winning, so I think -- which may have some relevance to the ballpark -- and it would be great to have that here in the City of Pittsburgh.

I do not think, though, that Jacobs Field is the cause of economic development in the City of Pittsburgh, it is the result of economic development in the City of Pittsburgh, and I think that is something that we should all keep in mind, is that Cleveland has made tremendous strides in bringing business, jobs and investment to their City. In 1993, they ranked third in the entire nation in bringing foreign investment into their City, which translates into jobs, and they have done that by aggressively going out and bringing business to their City, through the Greater Cleveland Growth Association, through a group called Cleveland Tomorrow, et cetera.

The reason I am talking about Cleveland is, I think that Pittsburgh has it all over Cleveland, when it comes to our assets, our natural assets, our corporations, our university structure, I mean we have got so many more and better universities, in my view, than they do, and our people, but why is it that we are not being aggressive in bringing jobs and business to our City, whereas Cleveland, which has, in my view, fewer assets, is able to do it there, and I think that is one of the things that we as a Council and working with, obviously, the state and Senator Dawida, really ought to be working on, to make sure that whatever means of financing this ballpark comes about that it ought to be the result of economic development because it is not going to be the cause of it.

That having been said, Mr. President, I do thank Senator Dawida for coming in and would like to learn more about this particular proposal and try to find a way to bring a ballpark here. Thank you.

The Chair:

Thank you, Councilman. Councilman O'Connor.

Mr. O'Connor:

I just want to thank the Senator for coming down. After spending the last Sunday evening and part of yesterday at the Three River Stadium, I am not one of those that want to bash the stadium, I think it is a beautiful stadium and I have to congratulate the Stadium Authority and the Pirates for -- it is painted and it is shined up and it really looks brand new, but after -- and if anybody has any doubts about the economics of what baseball generates, I do not think they have been in Pittsburgh the last four or five days, with the Fan Fest and all the action, and from the movie the other night, it only cost five bucks, the Fan Fest only cost five bucks, and I try to emphasize to people, because I took my kids to a movie out in Monroeville, it was like six or seven dollars, and that is very hard to swallow. So, a day or an evening at a ballgame is not really out of the question for people money wise.

But, looking at the stadium and being in Cleveland and Baltimore, the biggest problem we have is location and location, and if this is -- I am sure it is a long term, it will be years before something like this comes about, but if you could see -- I think our only alternative would be to redevelop and even if what is built now on the North Side is just a lot of parking lot and half river. So, it is nothing against the North Side, but I do not know that it should have been built there and when you look at what we had in Forbes Field and Oakland and all that.

So, I think that if -- this is a first step and many steps to take. I just want to congratulate the Senator, I think it is on the right track, we're going to keep the Pirates here and this is something that may be done in a few years, but it certainly assures them to stay here for years to come, and even more than that, could generate a lot of economic jobs and benefit to the City and the region. So, I just want to thank the Senator and Councilman Cusick for bringing you down and starting this off.

The Chair:

Thank you, Councilman O'Connor. Senator, I do not know if you want to make any formal response or summary comments? You are welcome to have the last word.

Sen. Dawida:

Thank you. It is good to have the last word. And, I thank you Council President Ferlo for the opportunity and Councilman Cusick.

Again, so you understand, this will not hurt the Senior Citizen Lottery, it will benefit them, because we are giving them half the profits and it is a new game and a new type of game and it will have a big impact, because one of the complaints that I get all the time about the lottery is, we don't have big enough payouts and we will in this kind of game because it will be like an Irish Sweepstakes, in the sense that it will be only a couple times a year and it will build to a crescendo. I believe we will get business from well outside of Pittsburgh, in fact, we will get business from all over the state and other states as well. So, this is intended and drawn specifically to benefit the Senior Citizen Lottery Programs.

Secondly, we are not doing something that is new, we are doing something that has been proven and, one, it has been proven that the baseball only stadiums work, and two, they can be done in a way that stimulates economic development, not retards it. We did not understand in 1970, when we built that shining edifice that this wasn't the way to do it. Back then in 1970, we thought acres and acres of parking was the way to do it and that has been proven wrong.

And, then lastly, this bond issue will not cost the taxpayers anything and that is I think a critical reason why I did this. Since I introduced the legislation I have been given by other people three or four other alternatives that may wind up being what the law is. We are just starting a dialogue, a discussion, and in that discussion there are other ways to finance this stadium, which are very intriguing and which will equally not impact on the taxpayers.

So, I have in my life sort of one driving principle, all the things that I do now have to do with economic development. I am an old social worker and that was what I did and my view of the world was helping people, poor people, people in need, but I have come to the realization that I cannot help those people unless we improve the economy. So, if you look at the driving force behind any legislation I have introduced, it all has that same aspect to it of improving the economy, and I think this will do it and it will help my City Pittsburgh.

And, I thank you for your courtesy, attention and we will begin this discussion and I am sure we will be talking again in the future. Thank you.

The Chair:

Thank you, Senator. Councilman.

Mr. Cusick:

I would just like to thank the Senator for coming down here today and also commend him for this piece of legislation. I think that today is a very special day in the City of Pittsburgh, I thought it was very appropriate that we start talking about building a stadium here in Pittsburgh. As the Senator has said, it has been very successful in both Cleveland and Baltimore, it should be successful in Pittsburgh. I think it enhances reasons, that it gives enhancement to the Pirates to stay in Pittsburgh, it shows that the government continues to show their commitment.

I am very happy for my colleagues that supported me and I do understand for those who abstained today, but I think that we should be talking about more positive things, especially now when our City is being spotlighted during the All-Star festivities. And, I would just like to, again, thank you, Senator, for coming here today and sharing your piece of legislation with us.

The Chair:

Thank you, Senator. At this time I would like to call on Councilman Bob O'Connor.

Mr. O'Connor:

Will the three ladies from the Linden Garden Club please come up.

The Chair:

I just want you to know why I wore this tie today, Councilmen, a flowered tie.

Mr. O'Connor:

This is a much lighter subject. Ladies, I don't know if you heard that President Ferlo wore a special tie for the occasion.

The Chair:

Flowers.

Mr. O'Connor:

We have Ms. Kathleen Shaver, Sally Werner and Peggy Garland here from the Linden Garden Club and there is a lot of outstanding things that they have been doing in the City and I would like to read this proclamation and let them tell you a little bit about it.

MR. O'CONNOR PRESENTS

No. 771 WHEREAS, the Linden Garden Club was established in 1924 by Mrs. William H. Mercur, as a group of women residing near Linden Avenue gathered to stimulate the knowledge and love gardening, to preserve native plant life and birds, and to encourage interest in civic beauty; and,

WHEREAS, the Linden Garden Club, has 52 active members, including the longest active member Mrs. J. Murray Egan, active since 1963, ten associate members, and three honorary members who have been involved with the club for over 50 years: Mrs. Henry A. Anderson, since 1930; Mrs. Walter J. Blenko, since 1933; and Mrs. James J. Rodgers, since 1937; and,

WHEREAS, in the 70 years since its inception, the Linden Garden Club has completed numerous beautification projects in the city, including a Victory Garden at Linden School at the close of World War II, a bulb garden at the Pittsburgh School for the Blind, a perennial garden at the Pittsburgh Garden Center, and, in conjunction with other garden clubs and the Daffodil Mart, a recent planting of over 5,000 daffodils in 60 varieties at Mellon Park; and,

WHEREAS, thanks to the coordinating efforts of Mrs. Walter E. Warner, and under the current Club President Mrs. James H. Weber, the Linden Garden Club won three of five Blue Ribbons for their display at the May Market at Mellon Park this year.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby commend the Linden Garden Club for 70 years of service to the city, and, in honor of the Garden Club's anniversary, declares July 17 through July 23, 1994 to be "Linden Garden Club Week" in the City of Pittsburgh.

MR. O'CONNOR moved to adopt the resolution.

MR. SMITH seconded the motion.

Which motion prevailed.

Mr. O'Connor:

In fact, the ladies dressed very appropriately for this occasion, I think. I would like to have you say a few words.

Ms. Shaver:

Yes, thank you. I am an ex-President -- one of the Presidents of Linden Garden Club, and I am glad to accept this on behalf of our club and we are going to celebrate next week with a Garden Party. And, we are very happy to participate in the main market which does raise money for the Pittsburgh Civic Garden Center on Shady Avenue, and I was lucky to be chairman of the last market that won the Blue Ribbon, and Sally was our co-chairman and has been very active in this organization in the last five or six years. And, I would also like to introduce Sally as our chairman of our Civic and Education Committee and she will tell you a few about our last project which was very exciting and a lot of work, the Daffodil Garden.

Ms. Werner:

Thank you. This past year our Garden Club got together with Western Pennsylvania Conservancy and our members with the Conservancy and the Daffodil Mart from Glouster, Virginia, planted 5,000 Daffodil bulbs, that was quite an undertaking because we do have a few members who really are a little appalled at getting down on the cold ground and planting because it was very, very cold and wet when we did this in the fall. They did come up this spring, it is beautiful and with the help of the people at the Garden Center we hope to expand it

every year and make it a variable garland of flowers in Mellon Park.

I would like to introduce to you today, Peggy Garland, who has been with our Garden Club since 1953 also. She is the hostess for our party on Monday, which will be a lovely old-time garden party. Peggy.

Ms. Garland:

Thank you, Mr. O'Connor, for the proclamation and the City of Pittsburgh. I am sure that Linden Garden Club, after 70 years, and I feel like I am as old as the club, we appreciate very much and thank you, gentlemen.

The Chair:

Thank you. Councilman Cohen.

Mr. Cohen:

Thank you, Mr. President. I just want to take a moment to thank all of you for coming down and for beautifying our City. The Pittsburgh Civic Garden Center is just a wonderful asset and I think a lot of people have not seen it yet, hopefully this will be another reason for people to go and see it, and just thank you for all your good work.

The Chair:

Thank you very much. Congratulations. Thank you for helping to beautify our City.

THE CHAIR PRESENTS

No. 772 WHEREAS, Black Entertainment Television will play a large role through the festivities for the 1994 All Star Game held in Pittsburgh; and,

WHEREAS, BET will film and broadcast highlights of African American history in Pittsburgh from the Negro Baseball League Era through the current positive happenings in Pittsburgh today; and

WHEREAS, BET has committed a significant amount of the proceeds of their fundraising efforts towards the betterment of the Pittsburgh African American youth through donations to Urban Youth Action; and

WHEREAS, the fundraising efforts will begin at 8:00 P.M. on Saturday, July 9th, 1994 with a Jazz Concert at the Manchester Craftsman's Guild, featuring jazz great Ronnie Laws. On Sunday, July 10, 1994 at 2:00 P.M. there will be a celebrity softball game at South Stadium. Ending the festivities later that evening will be a boat ride on the Majestic leaving from Station Square at 10:30 P.M.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh commends and salutes Black Entertainment Television for taking a leadership role to recognize the positive efforts of African Americans in Pittsburgh; and,

BE IT FURTHER RESOLVED, that Sunday, July 10, 1994 be known as BET Day in the City of Pittsburgh.

SPONSORED BY COUNCIL MEMBERS DAN COHEN, JOE CUSICK, JIM FERLO, ALAN HERTZBERG, BOB O'CONNOR, DAN ONORATO, GENE RICCIARDI, AND CHRISTOPHER SMITH.

MR. COHEN moved to adopt the resolution.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

THE CHAIR PRESENTS

No. 773 WHEREAS, the former Pittsburgh Young Adult Club, of the National Association of Negro Business and Professional Women's Clubs, Inc., is the host of this year's Founder's Day Breakfast and Fashion Show; and,

WHEREAS, the Pittsburgh Young Adult Club is eager to begin a new journey under newly created charter of the Allegheny Club of the National Association of Negro and Professional Women's Clubs, Inc. and is very pleased to share this special announcement with members of the Pittsburgh community; and,

WHEREAS, the purpose of the organization has been to promote and to protect the interest of business and professional women, as well as to create fellowship and opportunities for women in business; and,

WHEREAS, as well the members of the former Pittsburgh Young Adult Club, of the National Association of Negro Business and Professional Women's Clubs, Inc., are involved in the strong commitment revolving around solving the problems and the social ills that affect the young people of our communities; and,

WHEREAS, the former Pittsburgh Young Adult Club has been active and dedicated to serving the needs in the Pittsburgh community for over 25 years. Governed by the new charter, the members will continue to be actively involved while investing in the willing services of others and will sponsor programs that are designed to promote cultural, economical, social and political awareness to its citizenry.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh recognizes the Allegheny Club of the National Association of Negro Business and Professional Women's Clubs, Inc. as they embark on a new beginning and for their continued service to raise the standards of excellence for the City of Pittsburgh; and,

BE IT FURTHER RESOLVED, that Saturday, July 9th, 1994 be recognized as the Allegheny Club of the National Association of Negro Business and Professional Women's Clubs, Inc., Day throughout the City of Pittsburgh.

SPONSORED BY COUNCIL MEMBERS DAN COHEN, JOE CUSICK, JIM FERLO, ALAN HERTZBERG, BOB O'CONNOR, DAN ONORATO, GENE RICCIARDI, AND CHRISTOPHER SMITH.

MR. HERTZBERG moved to adopt the resolution.

MR. COHEN seconded the motion.

Which motion prevailed.

The Chair:

Thank you. At this time we will move to Presentation of Papers.

MR. CUSICK PRESENTED

No. 774 Resolution providing for a Contract or Contracts or use of existing Contracts for the Rehabilitation of the Mellon Park Wall; and providing for the payment of the cost thereof, at a cost of $25,000.00 or less, but not more than $50,000.00, chargeable to and payable from Code Account EC 93-106, 3-13-60-1236-93, Index Code #870600.

Also,

No. 775 Resolution providing for a Contract or Contracts, or use of existing Contracts, and/or Agreement or Agreements, or use of existing Agreements, and providing for the purchase of equipment and materials in connection with the Rehabilitation of Existing Play Areas in CD areas; and providing for the payment of the costs thereof, at a cost not to exceed $148,000.00, chargeable to and payable from Code Account CDEG 94-369, 4-13-72-0001-94-407-94-13.

Also,

No. 776 Resolution providing for a Contract or Contracts, or use of existing Contracts and/or an Agreement or Agreements, or use of existing Agreements, for the purchase of equipment and materials in connection with the Renovation of City-Council Chambers and providing for the payment of the cost thereof, at a cost range of $10,000.00, or more, but less than $25,000.00, chargeable to and payable from Code Account EC94-472, 3-13-92-2093-94, Index Code No. 871921.

Which were severally read and referred to the Committee on Engineering and Construction.

MR. O'CONNOR PRESENTED

No. 777 Resolution providing for the letting, during the calendar year 1995, of contract and for the use of existing contracts, for the maintenance, rental, rehabilitation, renovation, inspection or servicing of personal property, and also for bonding, insurance, printing and other related services, and for the maintenance and repair of building structures or any other properties in the custody of the various departments of the City of Pittsburgh, and providing for the payment of the costs thereof.

Also,

No. 778 Resolution providing for the letting of contracts and the use of existing contracts for the

purchasing of materials, general supplies and equipment by various departments of the City of Pittsburgh, during the calendar year 1995, and providing for the payment of the costs thereof.

Which were severally read and referred to the Committee on General Services.

MR. ONORATO PRESENTED

No. 779 Resolution providing for the issuance of a $914.87 warrant in favor of Daniel Mathews, settlement of claim for automobile damage incurred when a City refuse truck struck a parked car as he was backing up on Lorenz Avenue on January 12, 1994, chargeable to and payable from Code Account No. 46, Judgments.

Also,

No. 780 Resolution providing for the issuance of a warrant in the sum of $25,000.00 to Gail Monroe, Administratrix of the Estate of Minor, Michael Coleman, Jr., deceased c/o J. Kerrington Lewis, Esquire, 1040 Fifth Avenue, Pittsburgh, PA 15219, in full and final settlement of an alleged accident at a City Swimming Pool which is part of a Recreational complex known as Broadhead-Fording Park in the City of Pittsburgh on or about July 5, 1990.

Also,

No. 781 Resolution authorizing and directing issuance of a series of General Obligation Bonds, Series of 1994A, in the aggregate principal amount of Thirty-Seven Million Dollars (37,000,000) pursuant to the Act of the General Assembly of the Commonwealth of Pennsylvania.

Also,

No. 782 Resolution providing for the lease or leases of certain property on the first floor of 908-910 Penn Avenue from July 1, 1994 for a term of 36 months, at a rental of $2,630.83 per month to house classroom and office space for the Joint Jobs Initiative Single Point of Contact (SPOC) Program upon certain terms and conditions, and providing for the payment of the cost thereof.

Which were severally read and referred to the Committee on Finance.

MR. RICCIARDI PRESENTED

No. 783 Resolution providing for the issuance of a warrant in favor of the Akzo Company, in the amount of Thirty-Six Thousand Eight Hundred Ninety-Nine Dollars and Twenty-Six Cents ($36,899.26) for the emergency purchase of salt.

Which was read and referred to the Committee on Finance.

The Chair:

Moving directly to Unfinished Business.

REPORTS OF COMMITTEES

The Chair:

Committee on Finance, Councilman Onorato.

Mr. Onorato:

Mr. President.

The Chair:

Thank you, Councilman Onorato.

MR. ONORATO PRESENTED

Bill No. 784

Report of the Committee on Finance for July 6, 1994 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 703

A Resolution entitled, "Resolution authorizing an Amnesty Program for costs associated with overdue parking violations for parking in a street cleaning zone, Chapter 541.01 (c) (4), Pittsburgh Code; meter parking, Chapter 543.04, Pittsburgh Code; and Residential Permit Parking, Chapter 549, Pittsburgh Code."

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

The bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Smith
Mr. O'Connor	Mr. Ferlo
	(Pres't)

AYES 8 NOES none

The bill having received the legally required number of votes passed finally.

Also, with an affirmative recommendation,

Bill No. 723

A Resolution entitled, "Resolution providing for the issuance of a $3800.00 warrant in favor of Robert and Rita Waters in settlement of claim for property damage due to a collapsed sewer pipe causing sewer to backup, charging the same to Code Account No. 46, Judgments."

Which was read.

Also,

Bill No. 724

Resolution entitled, "Resolution providing for the issuance of a warrant in the sum of $10,000.00 to Ronald D. Bereksazi and Anna Bereksazi, his wife c/o Dominic D. Salvatori, Esquire, Jack L. Cherkin, P.C., 1034 Fifth Avenue, Suite 3, Pittsburgh, PA 15219, in full settlement of an alleged accident occurring on Crane Avenue on or about November 28, 1990 which gave rise to the filing of a lawsuit at GD92-20473."

Which was read.

Also,

Bill No. 725

Resolution entitled, "Resolution providing for the issuance of a $3443.88 warrant in favor of Avis Rent A Car System, Inc., in settlement of claim for automobile damage incurred as the result of a chain reaction accident involving a City Water Department vehicle on the Fort Pitt Bridge, charging same to Code Account No. 46, Judgments."

Which was read.

Also,

Bill No. 726

Resolution entitled, "Resolution providing for the issuance of a $1030.00 warrant in favor of Nancy & Stewart Smith in settlement of claim for sidewalk damage due to City tree roots at 428 Denniston Street, charging same to Code Account No. 46, Judgments."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Smith
Mr. O'Connor	Mr. Ferlo
	(Pres't)

AYES 8 NOES none

And there being two-thirds of the votes of Council being in the affirmative, the bills passed finally.

MR. COHEN PRESENTED

Bill No. 785

Report of the Committee on Public Safety for July 6, 1994 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 434

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Eight, Fire Prevention, Chapter 801, Adoption, Enforcement and Amendments, Section 801.02, Changes Specified, Changes - Page 6, by adding a new permit fee for Family Day Care Homes, Changes - Page 60, by adding Subsection F-703.5, Child Care Facilities, and by adding Subsection F-703.5.1, Permits.---(SPONSORED BY MR. FERLO)---(AS AMENDED)

Which was read.

Also,

Bill No. 435

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Ten, Building, Chapter 1007, BOCA National Building Code Adoption, Section 1007.02, Changes Specified, Changes - Page 49, Subsection 307.3.1, Child Care Facility, and by adding new Changes - Page 51, Subsection 309.4.1, Child Care Facilities so that facilities caring for seven (7) or more children shall be classified as Use Group I-2 and facilities caring for six (6) or less children shall be classified as Use Group R-3, and providing certain licensure requirements.---(SPONSORED BY MR. FERLO)---(AS AMENDED)

Which were read.

Also,

Bill No. 728

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Six - Conduct, Article I - Regulated Rights and Actions, Chapter 603 - Parades and Crowds, to require that the Department of Public Safety, Bureau of Emergency Medical Services determine whether City of Pittsburgh Paramedics must be employed by persons or organizations conducting public events; by adding Section 603.01(c) and Section 603.02(b).---(SPONSORED BY MR. ONORATO)"

Which was read.

Also,

Bill No. 747

A Resolution entitled, "Resolution authorizing the Mayor and the Director of Public Safety to enter into an Agreement or Agreements with financial institutions for the use of credit cards and/or automatic teller machines to make payments for citations issued by Pittsburgh Magistrate's Court."

Which was read.

Also,

Bill No. 748

A Resolution entitled, "Resolution authorizing the City Controller to create a special trust fund to be designated as the Microwave Communications System Trust Fund (MCSTF) for the development of a microwave communications system for the City of Pittsburgh and authorizing the use of monies deposited into said trust fund to cover any and all eligible expenses for the development, acquisition and operation of the microwave system."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Councilman Cohen.

Mr. Cohen:

Mr. President, I just wanted to take note of the fact that Kathy Kraus, the Acting Director of Public Safety, has given City Council a memorandum regarding Bill 748 on Microwave Communications, which I think at least sets forth

what the current program is. So, if anybody has any questions, I think it should be answered in there.

The Chair:

Thank you, Councilman Cohen. We also asked at the Standing Committees Meeting for a memo from Kathy Kraus or Public Safety regarding the credit card service fee issue. We are going to move on the bill today but I would still like a response to that question from the Standing Committees.

Other comments?

I just want to thank the Bureau of Fire and Building Inspection for their help, and the Board of Code Review on the Family Day Care Legislation, which complements a zoning change last year which this Council approved at my request, which does allow legally family day care operators to provide the services in residential communities. This is a necessary companion bill which we are approving today which would institute fire safety measures which are not in place currently, as well as an annual inspection system. This will guarantee the continued legal existence of some 250 family day care operators throughout neighborhoods in the City of Pittsburgh.

So, I want to thank you all and ask for my comments to be brought forward on those bills.

(REMARKS -- SEE ADDENDUM)

The Chair:

Any other comments?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen Mr. Onorato
Mr. Cusick Mr. Ricciardi
Mr. Hertzberg Mr. Smith
Mr. O'Connor Mr. Ferlo
(Pres't)

AYES 8 NOES none

The bills having received the legally required number of votes are passed finally.

The Chair:

That concludes Reports of Committees.

MOTIONS AND RESOLUTIONS

The Chair:

Under Motions and Resolutions, any comments or issues to be raised? Mr. Ricciardi.

Mr. Ricciardi:

Thank you. I will be brief, Mr. President.

I would just like to take this moment to thank all the employees, including the management employees of the Department of Public Works for their fine efforts over the last few weeks, in, quote, cleaning up the City; as a matter of fact, they have been cleaning up a lot of property owned by the state because our state officials have not moved into that, and I think it shows a good picture of the City of Pittsburgh this evening.

I also would like to thank all the employees and the City Magistrates for their fine work. I really believe under the leadership and management skills of Don Machen, we seen a big progress down there; for example, we have collected over $600,000.00 in collections compared to last year and they are moving ahead, and I really think Don Machen has really proven to be a very good, qualified professional Chief Magistrate, City Magistrate. So, I want to thank all the employees but really Don Machen for his fine work.

The Chair:

Thank you, Councilman Ricciardi. Mr. Hertzberg.

Mr. Hertzberg:

Just a reminder, because I think we just -- I at least just received this memorandum from Linda, our City Clerk, that immediately after we conclude this meeting there will be a briefing in our conference room regarding County Police horse patrols in the Downtown area with Harry Kramer from the Commissioners.

The Chair:

That's not a public meeting. Mr. Cusick?

Mr. Cusick:

Yes, Mr. Ferlo. First of all, I would like to also commend Chief Magistrate Don Machen for all the work that he put into the Amnesty Bill.

I would also at this time like to ask the President of Council here to set up a post agenda in regards to Phillips Park for its inadequacy, some of it's -- the problems up there. It serves four communities and yet it is such a small facility, there needs to be a lot of work done on the center. I would also like to ask if members of the Phillips Advisory Committee, along with Director Gallo, Director Reginella and representatives from the Mayor's Office be at the post agenda and if you can do so as quickly as possible.

The Chair:

I would be pleased to help convene that with you.

Other comments?

I just want to thank, as Mr. Ricciardi has, not only Public Works' employees but a lot of volunteers generated by the Pirate Organization, Mayor's Office and other groups working for many months but now we have seen the profits of the fruits of their labor. I think all the volunteers as well as the paid staff should be commended, and we have a lot of visitors, I know, in having tried to get into some of the restaurants in the last few days, there is a lot of activity, that is nice to see. So, I just want to applaud the Mayor, I thought his speech, albeit brief, but timely, it was a very warm reception he extended to the audience at Three Rivers Stadium the other night. I thought the Disney movie was a great event, I think it is one of the best events I have been to here in the City for many years that I have been here.

So, I just want to applaud a lot of hard work that has gone in this week putting out the welcome mat, I think a lot of people should be commended. I also think the Roberto Clemente statute is a significant work of art, it is a great contribution to our City, along with the Honus Wagner statute, which it is still a hope be moved back to its original location in Oakland, the Forbes Field wall. But, it is a great time this week and a lot of hard work has gone into the City.

The banners, we have already had some of the banners stolen, so that is always a good sign that they are a popular item, some of the banners around the stadium and along the Boulevard.

So, I am very pleased and I think all of this Council is very pleased that the volunteers come with the spirit that is in this City this week.

Any other comments?

Hearing no other comments, I would ask for a motion to approve the minutes.

MR. SMITH moved to approve the Minutes of Tuesday, July 5, 1994.

MR. O'CONNOR seconded the motion.

And on the motion of MR. CUSICK

Council adjourned.

(BEGINNING - MR. FERLO'S COMMENTS ON BILL NOS. 434 AND 435, WEDNESDAY, JULY 6, 1994)

Mr. Ferlo:

I'd like to make a motion to amend by substitution Bill Nos. 434 and 435, you have them on the table. The amended bills are the final versions approved unanimously by the Board of Code Review.

The Chair:

All in favor? Opposed? The ayes have it.

Mr. Ferlo:

The discussion now is on the actual amended bills. If you remember colleagues about one year ago we introduced legislation, a change in the zoning code to allow for family day care homes throughout the city. Actually we have had for many years up to around 300 such family day care homes operating throughout the City of Pittsburgh. Many of them operated without an occupancy permit because the Zoning Code didn't allow them to exist in the city. We corrected that to amend the Zoning Code to allow family day care centers -- usually these are small child care centers in homes and residential neighborhoods and the bill which we approved allowed it to exist in various residential communities for child care operation of six children or less. That zone change took effect several months ago and it was important to do that because the State Welfare Department specifically required this year these homes to have an occupancy permit. In a way they were in a Catch-22 they could not get an occupancy permit because they technically were not allowed; we corrected that. Now what these pieces of legislation do is and they complement the existence of the allowable use in the various zoning codes is to correct the building code and provide for various levels of fire protection for these operations and we have Chief Cimino here from Building Inspection and Chief McHale here, Deputy Chief of Fire Prevention. If they want to come to the table and we'll try to do this real quickly.

Basically what these bills do is put it back into the Building Code since we now have allowed these child care operations to exist. We wanted to go back and provide a measure of fire and building code protection. In the past however any child care facility, even if it had a couple of kids in it required a high level of institutional building code requirements which on a

practical is just not practical. An individual who owns a residential home and takes care of two or three kids is not going to spend money for fire doors and fire escapes and a lot of other kinds of activities. What this does is provide reasonable and meaningful fire protection activities for such child care, family day care homes of six children and less pursuant to the public welfare code. Such things as an evacuation plan, training of the staff, such things as a fire extinguisher, smoke detectors which are already required, requirement to have fire drills each quarter, staff training, annual inspection procedures and things of this sort and I want to thank the two chiefs here for their hard work. A lot of people met that were serious to try to hammer out these provisions. So again, we've already allowed thanks to this Council and we have amended the Zoning Code to allow for family day care homes in the city and now to compliment that we want to provide proper fire protection and that's what the intent of these two bills are.

The Chair:

Any comments?

Mr. Cimino:

I think the Councilman explained it quite well. There was a conflict between the Zoning Code and the State Code for family day care and also there was a conflict in the Building Code. What this legislation has done has made it compatible with both zoning and also compatible with the state regulations.

Mr. Hertzberg:

Does this as well as the other provisions we have in the zoning ordinance, would they apply to basically a neighbor babysitting a couple kids in their own home?

Mr. Cimino:

Yes.

Mr. Ferlo:

If they do it as a business activity.

Mr. Hertzberg:

If you pay them $3.00 an hour it does apply.

Mr. Ferlo:

Basically what we have in the city, we have about 250 identifiable family day care homes. Most of them are in residential neighborhoods that are certified and most of them get reimbursement to the Department of Public Welfare. What Council did is to allow these homes to legally exist in the Zoning Code and now what we're doing is making specific building code requirements of these homes.

Mr. Hertzberg:

And imposing an annual fee.

Mr. Ferlo:

Yes.

Mr. Hertzberg:

This technically would cover your babysitting outside of your own home arrangement.

Mr. Ferlo:

These are identifiable family day care operations recognized by the State Department of Public Welfare in which it requires a license by the state. We're not getting into people's rights to have babysitters here.

(END OF COMMENTS)
PREPARED BY: MARY ANNE HRUSKA
STENOTYPE REPORTER

MUNICIPAL RECORD

Proceedings of the Council of the City of Pittsburgh

VOL. CXXVIII *July 19, 1994* *No. 29*

Municipal Record

ONE-HUNDRED TWENTY-EIGHTH COUNCIL

JIM FERLO.....President
LINDA M. JOHNSON-WASLER.....City Clerk
KURT J. SALAC.....Asst. City Clerk

Pittsburgh, PA
Tuesday, July 19, 1994

PRESENT:

Mr. Cohen	**Mr. Onorato**
Mr. Cusick	**Mr. Ricciardi**
Mr. Hertzberg	**Mr. Smith**
Mr. O'Connor	**Mr. Ferlo (Pres't)**

The Chair:

Would you all please rise for the Pledge of Allegiance and would you please remain standing for a moment of silent prayer so that we may have peace throughout the world.

We are very pleased this morning to have a young man, Elliot Shields, he is the son of Doug, who is Councilman O'Connor's Special Assistant, and Elliot is age 10, he's going to East Hills Elementary School, and he is going to lead us in the Pledge of Allegiance.

Elliot Shields:

I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with Liberty and Justice for all.

The Chair:

Thank you, Elliot. Good luck in 5th Grade next year. The City Clerk wants to give you our official City flag and the flag of our Country.

PRESENTATIONS

The Chair:

I see a lot of honored guests out in the audience this morning. And, at this time I am pleased to call upon Councilman Bob O'Connor.

Mr. O'Connor:

Thank you, Jim. Would the people from the Vintage Car Race please come up. We have Diane Barna from Allegheny Valley School, Don Brown, the Executive Director of the Committee and Chief Starter, and Mike Connolly is the Race Director. Well, we have Dan Torisky here, who's President, Autism Society, and Dan is here. I did not see you come in.

Mr. Torisky:

I'm the shortest one.

Mr. O'Connor:

Can't miss you. Come on over a little closer.

No sooner do we just finish probably the most exciting week in Pittsburgh, the All-Star, and we jump right into a special event that we have had for starting our 12th year and it happens to be in Schenley Park, but I think it serves the whole community, the Allegheny, the whole Western Pennsylvania.

And, I would like to read the proclamation for you.

MR. O'CONNOR PRESENTS

No. 786 WHEREAS, the Pittsburgh Vintage Grand Prix Association is holding its twelfth annual Pittsburgh Vintage Grand Prix this year, providing Pittsburgh with a full week of exciting activities, including a classic car auction, displays of hundreds of exotic and American cars, and a final, full day of vintage auto racing on the city streets of Schenley Park; and,

WHEREAS, the success of the Pittsburgh Vintage Grand Prix, sanctioned by the Vintage Sports Car Club of America, is due solely to the nearly 1,100 volunteers who donate their time throughout the year to organize and manage the activities, making it the only all-volunteer managed and operated event of its kind; and,

WHEREAS, the proceeds from the week of Vintage Grand Prix activities benefit two worthwhile charities, to date raising over $600,000 for the Allegheny Valley School and the Autism Society of Pittsburgh.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby extend its thanks and appreciation to the Pittsburgh Vintage Grand Prix Association and to all of those involved in creating this high quality event.

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh does hereby encourage all citizens of Pittsburgh to attend and enjoy the week's festivities, and declares July 17 through July 24, 1994 to be "PITTSBURGH VINTAGE GRAND PRIX RACE WEEK" in the City of Pittsburgh.

SPONSORED BY COUNCIL MEMBERS BOB O'CONNOR, DAN COHEN, JOE CUSICK, JIM FERLO, ALAN HERTZBERG, DAN ONORATO, GENE RICCIARDI, AND CHRISTOPHER SMITH.

MR. O'CONNOR moved to adopt the resolution.

MR. SMITH seconded the motion.

Which motion prevailed.

Mr. O'Connor:

I think there are so many events going on, and I would like to bring up first Mike Connolly, the Race Director, to tell us about some of the things going on this week.

Mr. Connolly:

Last night we had a car show in Shadyside, it was very well attended, both from the local people and some very fine cars. This evening we are at Rosebud's, which is in the Strip, which will be a Salsa type night, a Mexican evening.

Tomorrow in town we will have at USX, PPG and Gateway car shows going through the lunch hour, from 10:00 through about 3 o'clock in the afternoon, showcasing the cars you are going to see in the park over the weekend, plus some race cars that are here already.

On Thursday we are in the Strip District again, with Donzi's, with a car cruise, drawing quite a few people and some beautiful cars. If you are going to Schenley, as of starting within the last hour, you can see the transforming into a race track, with Jersey Barriers, whatever, hay bales, tires, everything else. I have got staff out there working, we have been working since early morning yesterday with the City people.

And, then we start building, going into Saturday morning with, hopefully, the first car is off at 9:30, going through 4 o'clock, practice and qualifying on Saturday, racing Sunday, warm-up starting at 8:45, first car off at like 12:20 at lunch time on Sunday. You will see through the park probably 2500 show cars, British car shows, German car shows, the Marquee, which is Porsche this year.

And, I will let Don Brown tell you about some of the people that you will be seeing in the park.

The Chair:

Thank you.

Mr. Brown:

Well, first of all we want to thank the City of Pittsburgh and the County of Allegheny County for all they have done for us and let us play in the

park. I did want to give you some indication of how popular this event is, nationwide, so to speak.

The people will be manning about 21 different, what we call, corners, they're observers, the people that help the racers out there, will be coming from all over the country and they are experienced race car race workers. They will work courses like mid-Ohio, Wakins Glen, they will work Indy Car Races, and so on and so forth. These people are coming in all over, they are buying hotel rooms, but they just really love the event.

So, again, I am up here mainly to thank everyone here for letting us do this, and on behalf of the charities, again, thank you.

The Chair:

Thank you very much, Mr. Brown.

Mr. O'Connor:

Diane, do you want to tell us something about the charities.

Ms. Barna:

I represent Allegheny Valley School, which is one of the two charities that benefit from this event. We operate facilities throughout the county, we have one facility in the City, and really throughout the Western Pennsylvania area, that serves mentally retarded children and adults.

This is our biggest special event fund-raiser of the year. We have been fortunate that for the past 12 years we have been associated with this event and have received monies from the results of this event, and I just want to say, on behalf of all of the parents from Allegheny Valley School, on behalf of the children and adults that we serve, we appreciate the volunteers of the Pittsburgh Vintage Grand Prix and the cooperation that the City of Pittsburgh allows us to put this event on. Thank you.

The Chair:

Thank you very much.

Mr. O'Connor:

And, we also have Dan, as one of the founders of the event, is also President of the Autism Society internationally. Come on, Dan, do you want to tell us about --

Mr. Torisky:

Thanks. People actually move into Pittsburgh if they have got an autistic kid because of what the Grand Prix has meant in money, money that would -- how much? Six hundred thousand, 640 thousand? This year we will go over $700,000.00. That is money that would have to come from the taxpayers and probably be spent a lot less efficiently and cover fewer people -- and we have talked to Mr. Smith about this last year -- than if we were to try to weasel it out of already strained budgets all over this state. But, Pittsburgh, in research with Allegheny Valley School as a model residential facility and treatment facility, with the programs we have at Duquesne University for autistic individuals, if you saw the movie "Rain Man", you will know the kind of people I am talking about.

And, on behalf of, I guess everybody in the United States that has got an autistic kid, we look to Pittsburgh and we are proud of Pittsburgh, you are the place we go to lick our wounds, because it is recognized here, it is known here and we are loved here, and it is because of this event that the focus has gone on Pittsburgh.

And, I am very pleased right now to give the first poster off the press to the Mayor, and Poster 1-A to a friend of our event from Day 1 --

The Chair:

Thank you very much. I am very honored.

Mr. Torisky: -- Mr. President. Here they are. And, Bob, would you give this to the good Mayor, who has been so helpful this year to us. And, these, nobody has these. Again, one for the Mayor, and one here.

The Chair:

Thank you very much. I am really honored.

Mr. Torisky:

Now, one more thing, Don Brown and Michael Connolly, they are the two most eminent individuals in their field in this country. You guys see Don Brown down here in Council a lot, that man stands, risking life and limb, with 140 cars whipping around that track, and he is the only one that is not insured. He is the Starter and it is incredible to see him standing up there, and everybody listens to what he says because if they don't, he's dead.

But, God bless you, City Council and Pittsburgh, we love you and we thank you for supporting our event, all over the country, we thank you.

The Chair:

Thank you, Dan, very, very much. Councilman Cohen.

Mr. Cohen:

Thank you, Mr. President. I just want to take a moment to congratulate all of you for putting this terrific event together, Councilman O'Connor for putting together this proclamation, but all the hard work that goes into the Vintage Grand Prix. It is kind of like the best of both worlds because, on the one hand, you have got a terrific event that has vintage cars that culminates in a wonderful race through Schenley Park; on the other hand, you help two very, very worthy organizations. So, it is a win-win, and thank you so much for doing it.

The Chair:

And thank you.

I would just like the record to reflect the dedication and hard work for many, many years of John Walko, who for many years has been the Race Director, he remains as Chairman of the event, I believe, and especially Don Brown and Dan and all the other folks that work so very, very hard, we thank you for putting on a wonderful event here in the City of Pittsburgh. Thank you. Give them a big applaud. They are hard workers and they put on one heck of an event.

At this time I am pleased to call on Councilman Dan Onorato.

Mr. Onorato:

Read into the record, Mr. President.

The Chair:

Proclamation to be read into the record.

MR. ONORATO PRESENTS

No. 787 WHEREAS, the Statewide Association of Register of Wills and Clerk of Orphans Court will hold its Sixty-Seventh Annual Convention of Tuesday, July 19th, Wednesday, July 20th, and Thursday, July 21st at the Sheraton, Station Square; and

WHEREAS, it has been fourteen years since this convention has visited Pittsburgh and we are proud to host guests from all over the state in this convention's sixty-seventh year; and

WHEREAS, this convention is an educational and social event which will include seminars, workshops, and lectures on such topics as inheritance taxes and registers hearings; and

WHEREAS, Jay Costa, Jr., is serving his first term as Pittsburgh's Register of Wills; he has worked hard to modernize the office and is proud to be the host of this year's convention; and

WHEREAS, historically, the first will was probated in 1788. Additionally, the will of Ebenezer Denny, the first Mayor of Pittsburgh is on file in the Pittsburgh office;

NOW, THEREFORE, BE IT RESOLVED, that the Council of the
City of Pittsburgh welcomes all the individuals visiting our beautiful City as guests of the Sixty-Seventh Annual Register of Wills and Clerk of Orphans Court Convention and commends Jay Costa, Jr., and the Register of Wills Office for working to make this convention possible.

MR. ONORATO moved to adopt the resolution.

MR. SMITH seconded the motion.

Which motion prevailed.

The Chair:

Councilman Smith, I believe you have one to be read into the record.

Mr. Smith:

Yes. The Chair:

Would the City Clerk please read the resolution into the record.

MR. SMITH PRESENTS

No. 788 WHEREAS, Mrs. Addie Lessene Martin had a dream of discovering her family roots; and therefore, in 1978 she founded the Heritage Club, Kin Folk Reunion, to realize her dream; and

WHEREAS, the purpose and goal of the Heritage Club, Kin Folk Reunion, is to call together the families who are the "shoots" of the genealogical tree of Lessene; and

WHEREAS, the 8th Bi-Annual Heritage Club celebration will be held during the weekend of July 14-17th, 1994 at the Holiday Inn, Green Tree, Pennsylvania. The coordinators of this auspicious weekend will be the Pittsburgh Chapter of the Heritage Club, under the leadership of Mr. Leon McCray and Mr. William Lessene; and

WHEREAS, special events will include a Fashion Show, Pool Side Barbecue, and a Genealogical Conference, culminating with a Banquet on Saturday evening, July 16th at 6 P.M. The featured speaker will be Ms. Vernelle Lillie, founder of the Kuntu Repertoire Theatre, and professor in the Black Studies Department at the University of Pittsburgh; and

WHEREAS, the following persons extend a cordial welcome to each of you: Mrs. Annie Bell Bonner, Pittsburgh, PA; Mr. Jonathan Lesane, Baltimore, Md.; Mr. John Lesane, Washington D.C.; Mrs. Patricia Thomas, East South Carolina; Mr. Jimmie Lesane, North Carolina; Mr. Robert Johnson, Midwest; Mrs. Maggie Farrow, Detroit, Michigan; Mr. JuNious Lesane, West North Carolina; Mr. Johnson Lesane, New York State; Mr. William Gardner, the North East; and

WHEREAS, the Lessene Family will give honor and praise to God for bringing them thus far, at the Grace Memorial Presbyterian Church, 1001 Bryn Mawr Road on Sunday, July 17, 1994 at 11:00 A.M. Reverend Dr. Johnnie Monroe is the Minister of this historic black Presbyterian Church. A gracious invitation is extended to everyone to worship with the family.

NOW, THEREFORE, BE IT RESOLVED, that the Lessene Family become as a strong tree to accomplish their goals in the future, and that the Council of the City of Pittsburgh declares Saturday, July 16, 1994 as the Lessene Kin Folk Day in the City of Pittsburgh.

MR. SMITH moved to adopt the resolution.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

The Chair:

I would like for Mr. and Mrs. Tokarski to come forward and son John and if you have other relatives and friends here, Commander Elliott from the Mayor's Office. Officer, if you want to come up, also. I see we have some good relatives and friends here today. I see we have a lot of good family and friends here, who are very proud of this gentleman and his contribution to our City over many years of service.

Members of Council, I am very honored and pleased to introduce and ask support for the following resolution. I would like the record to reflect that all my colleagues are in support.

THE CHAIR PRESENTS

No. 789 WHEREAS, John Thomas Tokarski, Sr., joined the Pittsburgh Police Force on March 27, 1953, where he was assigned to the East Liberty Station; and

WHEREAS, during his many years of dedicated service, Officer Tokarski has received numerous citations for his outstanding efforts, such as the time when he risked his own life to save the lives of several children in a fire back in 1967 at North Millvale and Broad Street in Garfield; and WHEREAS, Officer Tokarski was commended for his tireless efforts in manning the Operations Desk

at the #5 Station during the Conrail derailment crisis in Bloomfield; and

WHEREAS, John Tokarski, during his time at the #5 Station, manned the City Police Operated Ambulance and was involved in the delivering of over 30 children, many of which bear his name "John"; and

WHEREAS, John Tokarski's memories include being called in on the infamous Chicken Hill Shoot Out and searching for a kidnap victim along with his neighbors in the Bloomfield area; and

WHEREAS, John Tokarski has remained dedicated not only to his job but to his family and community in which he has been a member of the VFW, the Fraternal Order of Police-Lodge #1, American Legion Post #5, Bloomfield Moose #6, and he was elected PTG President of both the St. Joseph School and the Immaculate Conception School in Bloomfield; and

WHEREAS, John Tokarski should be commended for being not only a fine officer but a truly great father to his 6 children and a wonderful husband to his wife Marguerite, and

WHEREAS, John Tokarski retired from his post at the #5 Police Station in East Liberty two years ago on July 19, 1992.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby commend John Tokarski for his many years of dedicated service to the City of Pittsburgh, his family and to his community, all of which have benefited from his dedication and presence; and

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh does hereby proclaim July 19, 1994 to be "John Tokarski Day" in the City of Pittsburgh.

MR. SMITH moved to adopt the resolution.

MR. COHEN seconded the motion.

Which motion prevailed.

The Chair:

John, God bless you, it is well deserved. It is a great honor. Before we bring you up to say a few words, I would like the Commander Elliott and -- John is a little emotional -- your big son John here, he is a great guy, hard worker. Commander.

Cmdr. Elliott:

I just want to thank Council for honoring Officer Tokarski. I did not know him when he saved the children and when he delivered the babies, but the whole time I was a Nightwatch Commander, I could always stop by No. 5 Police Station and know I would get a story or that I would get some guidance, that I would get uplifted, and I think that he did that for all the police that came through that station and that is why you have so many of them here today, and I think that we need the old-time desk sergeants like John because they are the ones that tell us what to do. So, I am just grateful that I can be here and help honor him today. Thank you.

The Chair:

Thank you, Commander.

It is kind of an emotional moment, I know, for the family especially. If anybody else would like to enter a word into the record. John, do you want to say a few words? I know you are -- we are very pleased and honored. Let's give John a big hand. John.

Mr. Tokarski:

This is the second time I have ever been in these Council Chambers. The first time was Mayor Lawrence and Director of Public Safety Flaherty were here. They are gone. I hate to say this, fellows, but all the Councilmen are gone also, and I don't mean, not re-elected, they're gone.

Mr. Cohen:

All the glorious leaders.

Mr. Tokarski:

They're in the big sky up there.

But, I can only take a few moments to thank Council here for bestowing this honor upon me. I accept this, not only for myself, but all the police that have served the City of Pittsburgh in the last

few years and they have done more work than I have and they should have been honored also.

I would like to thank my wife for putting up with me, because like a lot of people here, being a policeman's wife is not a glory job, a lot of divorces, they drink, or drive families apart. I wound up with six nice children, I am proud of every one of them, a couple of my grandchildren are here. My first partner, Dan Casciato, is over there. We raised a lot of hell together, but we had fun. There are fellows here during all stages, some from the beginning, like Dan, some from the middle of my career, and little Marie Gregorchik, at the end of my career.

So, I would like to thank Council for bestowing, again, this honor. Thank you very much, and I am glad to have served the City of Pittsburgh, the taxpayers and I hope I did a good job for them. Thank you.

The Chair:

Are there any representatives here in relation to the National Highway System resolution? No.

Thank you, Officer, and congratulations.

I will call to my colleagues attention a resolution I was going to pass today, or submit for consideration, regarding the United States House of Representatives Legislation 4385 involving ultimately the City of Pittsburgh Busway. I would ask that you review it and we will take it up as a consideration next week at the meeting. I think you had it early this morning. We will hold it for next week and colleagues may want to think about the issue.

At this time we have no other further resolutions, and I would like to move directly to Presentation of Papers.

MR. CUSICK PRESENTED

No. 790 Resolution providing for the issuance of a warrant in favor of Duquesne Light Company in the amount of $3,495.59 for work done to relocate overhead facilities at Arlington Avenue; and providing for the payment thereof.

Also,

No. 791 Resolution providing for the issuance of a warrant in favor of Consolidated Rail Corporation in the amount of $719.86 in payment of Railroad Flagging Services required for the inspection of the Herron Avenue and Aiken Avenue Bridges; and providing for the payment thereof.

Also,

No. 792 Resolution providing for the issuance of a warrant in favor of Thomas F. Easton in the amount of $4,340.00 for professional services in connection with the Topographic Survey of Boundary Street; and providing for the payment of the cost thereof.

Which were severally read and referred to the Committee on Finance.

Also,

No. 793 Resolution adopting Official Sewage Facilities Plan revision for the Envirotest Partners, for the Teledyne Industries Plan of Subdivision on Idlewood Road near Bell Street in the 28th Ward of the City of Pittsburgh.

Which was read and referred to the Committee on Engineering and Construction.

MR. O'CONNOR PRESENTED

No. 794 An Ordinance amending the Pittsburgh Code, Title Nine, Zoning, Article III, Chapter 921, Section 921.02, Zoning District Map No. 13, by changing from "R3" Multiple-Family Residence District to "M2" Limited Industrial District all that certain property bounded by: Second Avenue, Lot No. 106, Block 57-C in the Allegheny County Block and Lot System, Herbert Way, and Lot No. 96, Block 57-B in the aforesaid System; 15th Ward.—(COUNCIL DISTRICT NO. 5)---(SPONSORED BY MR. O'CONNOR)

Which was read and referred to the Committee on Planning, Housing & Development.

MR. O'CONNOR moved to suspend Rule 8 by providing for consideration of the bill only until or after the 8th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

MR. ONORATO PRESENTED

No. 795 Resolution providing for Joinder by the City of Pittsburgh in a Petition to the Court of Common Pleas, Orphans' Court Division, to add a new class of Trustees to the Board of Trustees of the Carnegie Library of Pittsburgh.

Which was read and referred to the Committee on Finance.

MR. ONORATO moved to suspend Rule 8 by providing for consideration of the bill only until or after the 8th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

MR. RICCIARDI seconded the motion.

Which motion prevailed.

Also,

No. 796 Resolution authorizing the transfer of One Hundred Thousand Dollars ($100,000.00) from Code Account 45, Index Code 004507, Health/Life Insurance-Municipal Employees to Code Account 1075 B5-2, Index Code 107508, Outside Counsel, to meet expenses of outside counsel to assist in negotiating labor contracts.

Also,

No. 797 Resolution authorizing the Mayor and the City Solicitor to enter into an Agreement or Agreements for the hiring of outside counsel to assist in negotiating labor contracts for the City of Pittsburgh at a cost not to exceed $100,000.00 (One Hundred Thousand Dollars) chargeable to and payable from Code Account 45, Index Code 004507, Health/Life Insurance-Municipal Employees.

Also,

No. 798 Resolution providing for an agreement or agreements with a professional consulting firm to prepare the annual defense spending report for the City of Pittsburgh at cost not to exceed ten thousand dollars ($10,000.00), chargeable to and payable from Code Account 1063, Index Code 106302, Miscellaneous Services, Department of Finance.

Also,

No. 799 Resolution providing for the conveyance by the City of Pittsburgh of certain property, under Act No. 171 of 1984, entitled, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984.

Which were severally read and referred to the Committee on Finance.

MR. RICCIARDI PRESENTED

No. 800 Resolution granting unto Daniel & Jane O. Quinn, 6301 Quinn Drive, Pittsburgh, Pennsylvania, 15217, their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, a portion of a house and fence in the right-of-way of Quinn Drive in the 14th Ward of the City of Pittsburgh — (COUNCIL DISTRICT NO. 5).

Which was read and referred to the Committee on Public Works.

MR. RICCIARDI moved to suspend Rule 8 by providing for consideration of the bill only until or after the 8th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

Also,

No. 801 Resolution authorizing the Mayor and the Director of the Department of Public Works to enter into an agreement or agreements, or the use of existing agreements with the Carnegie Institute and Informing Design, Inc., providing for the transfer to City of rights to graphics, specifications and other interests in connection with the Pittsburgh Wayfinder and Trailblazer Signage System and licensing of rights to Informing Design, Inc.

Also,

No. 802 Resolution amending Resolution No. 161, effective March 16, 1994, entitled "Providing for a Contract or Contracts, or the use of existing Contracts, for a Wayfinder Signage program throughout the City of Pittsburgh and other work incidental thereto, and providing for the payment of the cost thereof," by increasing the total allocation by $500,000.00.

Also,

No. 803 Resolution providing for the creation of a trust fund entitled "Wayfinder Signage Trust Fund," to receive and from which to disburse monies in connection with the City's Wayfinder Program. The trust fund will receive fees paid by project participants and will be used to pay costs associated with the design, installation, and maintenance of the project signs.

Also,

No. 804 Resolution granting unto Kerotest Manufacturing Corporation with an address at 2525 Liberty Avenue, Pittsburgh, Pennsylvania, 15222-4680, their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, two (2) loading docks and concrete ramps on a portion of Dyke Street in the 15th Ward, 5th Council District of the City of Pittsburgh.

Also,

No. 805 Resolution granting unto Beehive Oakland, 3807 Forbes Avenue, Pittsburgh, Pennsylvania, 15213, their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, a sidewalk cafe on a portion of the sidewalk on Forbes Avenue in the 4th Ward, 3rd Council District of the City of Pittsburgh.

Also,

No. 806 Resolution vacating Gayly Way between Mayville Avenue and Dunster Street in the 19th Ward, 4th Council District of the City of Pittsburgh.

Also,

No. 807 Resolution vacating a portion of Ferncliff Avenue From Mayville Avenue heading in an eastwardly direction a distance of 321 + feet in the 19th Ward, 4th Council District of the City of Pittsburgh.

Also,

No. 808 Resolution vacating Unnamed Way between Harmony Avenue and Dream Way in the 19th Ward, 4th Council District of the City of Pittsburgh.

Also,

No. 809 Resolution vacating a portion of Inland Way between Gayly Way and LaMoine Street in the 19th Ward, 4th Council District of the City of Pittsburgh.

Also,

No. 810 Resolution vacating a portion of Dunster Street turn-a-round opposite Parcel 61-C-75 in the 19th Ward, 4th Council District of the City of Pittsburgh.

Also,

No. 811 Resolution vacating a portion of Dunster Street adjacent to Parcels 61-C-92, 61-C-115 and 61-C-100 in the 19th Ward, 4th Council District of the City of Pittsburgh.

Which were severally read and referred to the Committee on Public Works.

The Chair:

I think I did a double take, when you said a half a million dollar increase on the Signage program; did you say $500,000.00?

Ms. Wasler:

Five hundred thousand, yes.

The Chair:

Could we get a follow-up to the Budget Director on that issue asking for a financial report on the information and also the contributions, if any, that have been collected so far, which was part of the original commitment. If we could -- Mr. Ricciardi, I know you will be following up on this, but I think we need an explanation there.

MR. SMITH PRESENTED

No. 812 Resolution providing for an Agreement (s) and Contract (s) with Consultant (s) and Vendor (s) to assist the City in improving its Citizen Participation Process and providing for the payment of the cost thereof, at a cost not to exceed $140,000.00, chargeable to and payable from the 1994 Community Development Block Grant Program, Department of City Planning, "Citizen Participation & Technical Assistance", Project No. 4-35-01-0002-94-050-94-35, Index No. 613133.

Also,

No. 813 Resolution providing for an Agreement or Agreements with Pittsburgh Partnership for operating and/or administrative expenses of their agency involved in a variety of community/economic development activities, at a cost not to exceed $420,000.00, chargeable to and payable from the 1994 Community Development Block Grant Program "Department of City Planning, Project No. 4-35-01-4126-94-430-94-35, Index Code 613158.

Also,

No. 814 Resolution providing for an Agreement or Agreements with Community Based Organizations for community economic development planning assistance in various neighborhoods in the City and providing operating support for these groups in an amount not to exceed $600,000.00.

Also,

No. 815 Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to submit an application for Financial Assistance in the amount of $400,000.00 to Commonwealth of Pennsylvania, Department of Community Affairs, for the Housing Site Acquisition and Development Fund Program.

Also,

No. 816 Resolution authorizing a 1994-1995 Housing Site Acquisition and Development Fund Program Cooperation Agreement with the Urban Redevelopment of Pittsburgh providing for the designation of $400,000.00 of Community Development Block Grant Program Funds and Housing Revenue Bond Funds as the Local Matching Share for a grant applied for in an application for Financial Assistance filed with the Pennsylvania Department of Community Affairs.

Also,

No. 817 Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to submit an application for Financial Assistance in the amount of $1,000,000.00 to the Commonwealth of Pennsylvania, Department of Community Affairs, for the Housing Recovery Program.

Also,

No. 818 Resolution authorizing a 1994-1995 Housing Recovery Program Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh providing for the designation of $1,000,000.00 of Housing Revenue Bond Funds as the Local Matching Share for a grant applied for in an application for Financial Assistance filed with the Pennsylvania Department of Community Affairs.

Also,

No. 819 Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to submit an application for Financial Assistance in the amount of $750,000.00 to the Commonwealth of Pennsylvania, Department of Community Affairs, for the Rental Housing Development and Improvement Program.

Also,

No. 820 Resolution authorizing a 1994-1995 Rental Housing Development and Improvement Program Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh providing for the designation of $750,000.00 of Community Development Block Grant Program Funds, Rental Rehabilitation Program Funds and Developer Private Investment Funds as the Local Matching Share for a grant applied for in an application for Financial Assistance filed with the Pennsylvania Department of Community Affairs.

Also,

No. 821 Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to submit

an application for Financial Assistance in the amount of $1,000,000.00 to the Commonwealth of Pennsylvania, Department of Community Affairs for the Neighborhood Housing Program.

Also,

No. 822 Resolution authorizing a 1994-1995 Neighborhood Housing Program Cooperation Agreement with the Urban Redevelopment of Pittsburgh providing for the designation of $1,000,000.00 of Pittsburgh Home Ownership Program Funds and borrower's down payments as the Local Matching Share for a grant applied for in an application for Financial Assistance filed with the Pennsylvania Department of Community Affairs.

Also,

No. 823 Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to submit an application for Financial Assistance in the amount of $100,000.00 to the Commonwealth of Pennsylvania Department of Community Affairs for the Start-An-Enterprise Program.

Also,

No. 824 Resolution authorizing a 1994-1995 Start-An-Enterprise Program Cooperation Agreement with the Urban Redevelopment of Pittsburgh providing for the designation of $100,000.00 of Authority funds and private contributions as the Local Matching Share for a grant applied for in an application for Financial Assistance filed with the Pennsylvania Department of Community Affairs.

Also,

No. 825 Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to submit an application for Financial Assistance in the amount of $400,000.00 to the Commonwealth of Pennsylvania Department of Community Affairs for the Street Face Program.

Also,

No. 826 Resolution authorizing a 1994-1995 Street Face Program Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh providing for the designation of $400,000.00 of Program Participant Private Investment Funds and Urban Redevelopment Action Grant Repayment Funds as the Local Matching Share for a grant applied for in an application for Financial Assistance filed with the Pennsylvania Department of Community Affairs.

Also,

No. 827 Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to submit an application for Financial Assistance in the amount of $100,000.00 to the Commonwealth of Pennsylvania, Department of Community Affairs, for the Facade Matching Grant Program.

Also,

No. 828 Resolution authorizing a 1994-1995 Facade Matching Grant Program Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh providing for the designation of $100,000.00 of Community Development Block Grant Program Funds as the Local Matching Share for a grant applied for in an application for Financial Assistance with the Pennsylvania Department of Community Affairs.

Also,

No. 829 Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to submit an application for Financial Assistance in the amount of $300,000.00 to the Commonwealth of Pennsylvania Department of Community Affairs for the Pittsburgh Construction Loan Fund Program.

Also,

No. 830 Resolution authorizing a 1994-1995 Pittsburgh Construction Loan Fund Program Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh providing for the designation of $300,000.00 of Pittsburgh Home Ownership Program Funds and Private and Conventional Lender Funds as the Local Matching Share for a grant applied for in an application for Financial Assistance filed with the Pennsylvania Department of Community Affairs.

Also,

No. 831 Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to submit an application of Financial Assistance in the amount of $100,000.00 to the Commonwealth of Pennsylvania Department of Community Affairs for the Golden Triangle Management Program.

Also,

No. 832 Resolution authorizing a 1994-1995 Golden Triangle Management Program Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh for the designation of $100,000.00 of Authority, Foundation and other private contributions as the local matching share for a grant applied for in an application for Financial Assistance filed with the Pennsylvania Department of Community Affairs.

Also,

No. 833 Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to submit an application for Financial Assistance in the amount of $800,000.00 to the Commonwealth of Pennsylvania Department of Affairs for the Urban Redevelopment Fund Program.

Also,

No. 834 Resolution authorizing a 1994-1995 Urban Redevelopment Fund Program Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh providing for the designation of $800,000.00 of Community Development Block Grant Program Funds, Private Financing, and Foundation Funds as the Local Matching Share for a grant applied in an application for Financial Assistance filed with the Pennsylvania Department of Community Affairs.

Also,

No. 835 Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to submit an application for Financial Assistance in the amount of $500,000.00 to the Commonwealth of Pennsylvania Department of Community Affairs for the Community Development Investment Fund Program.

Also,

No. 836 Resolution authorizing a 1994-1995 Community Development Investment Fund Program Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh providing for the designation of $500,000.00 of Community Development Block Grant Program Funds and Pittsburgh Home Ownership Program Funds as the Local Matching Share for a grant applied for in an application for Financial Assistance filed with the Pennsylvania Department of Community Affairs.

Also,

No. 837 Resolution authorizing the filing of an application for Financial Assistance in the amount of $600,000.00 with the Commonwealth of Pennsylvania Department of Community Affairs for the Manchester Citizens Corporation Revitalization Project.

Also,

No. 838 Resolution authorizing a 1994-1995 Manchester Citizens Corporation Revitalization Project Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh in connection with an application for Financial Assistance filed with the Pennsylvania Department of Community Affairs, in the amount of $600,000.00.

Also,

No. 839 Resolution authorizing the filing of an application for Financial Assistance in the amount of $150,000.00 with the Commonwealth of Pennsylvania Department of Community Affairs for the Breachmenders, Inc., Vacant Housing Project.

Also,

No. 840 Resolution authorizing a 1994-1995 Breachmenders, Inc., Vacant Housing Project Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh in connection with an application for Financial Assistance filed with the Pennsylvania Department of Community Affairs, in the amount of $150,000.00.

Also,

No. 841 Resolution authorizing the filing of an application for Financial Assistance in the amount of $780,000.00 with the Commonwealth of Pennsylvania Department of Community Affairs for the Oakland Planning and Development Corporation Housing Revitalization Project.

Also,

No. 842 Resolution authorizing a 1994-1995 Oakland Planning and Development Corporation Housing Revitalization Project Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh in connection with an application for Financial Assistance filed with the Pennsylvania Department of Community Affairs, in the amount of $780,000.00.

Also,

No. 843 Resolution authorizing the filing of an application for Financial Assistance in the amount of $600,000.00 with the Commonwealth of Pennsylvania Department of Community Affairs for the Glen Hazel Citizens Associations, Inc., Housing Revitalization Project.

Also,

No. 844 Resolution authorizing a 1994-1995 Glen Hazel Citizens Association, Inc., Housing Revitalization Project Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh in connection with an application for Financial Assistance filed with the Pennsylvania Department of Community Affairs, in the amount of $600,000.00.

Also,

No. 845 Resolution authorizing the filing of an application for Financial Assistance in the amount of $970,000.00 with the Commonwealth of Pennsylvania Department of Community Affairs for the Hill Community Development Revitalization Project.

Also,

No. 846 Resolution authorizing a 1994-1995 Hill Community Development Corporation Revitalization Project Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh in connection with an application for Financial Assistance filed with the Pennsylvania Department of Community Affairs, in the amount of $970,000.00.

Also,

No. 847 Resolution authorizing the filing of an application for Financial Assistance in the amount of $1,000,000.00 with the Commonwealth of Pennsylvania Department of Community Affairs for the North Side Tenants Reorganization, Inc., Rehabilitation Project.

Also,

No. 848 Resolution authorizing a 1994-1995 North Side Tenants Reorganization, Inc., Rehabilitation Project Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh in connection with an application for Financial Assistance filed with the Pennsylvania Department of Community Affairs, in the amount of $1,000,000.00.

Which were severally read and referred to the Committee on Planning, Housing & Development.

The Chair:

Under Unfinished Business or Reports of Special Committees, any comments or issues to be raised?

Hearing none, we will move directly into Reports of Committees.

REPORTS OF COMMITTEES

MR. ONORATO PRESENTED

Bill No. 849

Report of the Committee on Finance for July 13, 1994 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 722

A Resolution entitled, "Resolution providing for the issuance of a $1087.50 warrant in favor of Paul F. Costa in settlement of claim for sidewalk damage due to City tree roots at 5808 Bryant Street, charging the same to Code Account No. 46, Judgments."

Which was read.

Also,

Bill No. 749

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Consolidated Rail Corporation in the amount of $395.90 in payment of Railroad Flagging Services required for the inspection of the Radcliffe Street Bridge; and providing for the payment thereof."

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Smith
Mr. O'Connor	Mr. Ferlo
	(Pres't)

AYES 8 NOES none

And there being two-thirds of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 753

A Resolution entitled, "Resolution granting a License to Duquesne Light Company for the installation, use, operation, maintenance, repair, renewal and finally removal, of an overhead electrical system consisting of two (2) poles, other fixtures and apparatus on City property, fronting on Barnett Way, 5th Ward, Block and Lot 10-C-56."

Which was read.

Also,

Bill No. 754

A Resolution entitled, "Resolution providing for conveyance by the City of Pittsburgh of certain property, under Act No. 171 of 1984, entitled, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984.---(AS AMENDED)

Which was read.

Also,

Bill No. 755

A Resolution entitled, "Resolution providing for the filing of a petition or petitions for the sale of certain property or properties, acquired at tax sales in accordance with Act No. 171 of 1984, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984."---(AS AMENDED)

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will note "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Smith
Mr. O'Connor	Mr. Ferlo
	(Pres't)

AYES 8 NOES none

The bills having received the legally required number of votes are passed finally.

MR. RICCIARDI PRESENTED

Bill No. 850

Report of the Committee on Public Works for July 13, 1994 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 756

A Resolution entitled, "Resolution providing for an agreement or agreements, or the use of existing agreements for the furnishing of professional services for the benefit of the residents of the City of Pittsburgh, effective January 1, 1994 and providing for the payment of the cost thereof which is not to exceed One Hundred Fifty Thousand ($150,000.00) Dollars, chargeable to and payable from Code Account 4-01-35-0077-94-500-04-01, NeighborFair Pittsburgh, Inc., Index Code 876011, Department of Public Works."

Which was read.

Also,

Bill No. 757

A Resolution entitled, "Resolution granting unto Clarence and Dorothy Carter with an address at 148 Herndon Street, Pittsburgh, Pennsylvania, 15220, their successors and assigns the privilege and license to construct, maintain and use at their own cost and expense, a portion of a house porch and concrete steps in the right-of-way of Herndon Street in the 20th Ward, 2nd Council District of the City of Pittsburgh."

Which was read.

Also,

Bill No. 758

A Resolution entitled, "Resolution changing the name of Freda Way to Swanson Street between Radium Street and Montana Street located in the 26th Ward, 1st Council District of the City of Pittsburgh."

Which was read.

Also,

Bill No. 759

A Resolution entitled, "Resolution vacating Homberger Way between Herbert Way and Dyke Street in the 15th Ward, 5th Council District of the City of Pittsburgh."

Which was read.

Also,

Bill No. 760

A Resolution entitled, "Resolution vacating Ozark Way between Herbert Way and Dyke Street in the 15th Ward, 5th Council District of the City of Pittsburgh."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills? Councilman Onorato.

Mr. Onorato:

Mr. President, on Bill 758, if the Clerk could just send a note over to the Director of Public Works that this has received approval, final approval and final passage and if they could expedite the changing of that street sign, because we have had problems with deliveries, mail, and this is a two-year old problem, and I would appreciate it.

The Chair:

Any other comments?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all

opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen Mr. Onorato
Mr. Cusick Mr. Ricciardi
Mr. Hertzberg Mr. Smith
Mr. O'Connor Mr. Ferlo
(Pres't)

AYES 8 NOES none

The bills having received the legally required number of votes are passed finally.

MR. SMITH PRESENTED

Bill No. 851

Report of the Committee on Planning, Housing & Development for July 13, 1994 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 729

A Resolution entitled, "Resolution providing for a Cooperation Agreement or Agreements with the Housing Authority of the City of Pittsburgh for the administrative and implementation of the "Rehabilitation and Modernization of Housing for Low & Moderate Income Families, at a cost not to exceed $1,000.000.00, chargeable to and payable from the 1994 CDBG Program "Rehabilitation and Modernization of Housing for Low & Moderate Income Families" Project No. 04-65-01=0001-94-380-94-65, Index #876607."

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill? The bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen Mr. Ricciardi
Mr. Cusick Mr. Smith
Mr. Hertzberg Mr. Ferlo
Mr. O'Connor (Pres't)

AYES: 7 NOES 1

(MR. ONORATO VOTING NO)

The bill having received the legally required number of votes passed finally.

Also,

Bill No. 710

A Resolution entitled, "Resolution approving execution of a Contract for Disposition by sale of property by and between the Urban Redevelopment Authority of Pittsburgh and Manchester Citizens Corporation for the sale of Block and Lots 7-C-31, 7-C-32, and 7-C-33 in the 21st Ward of the City of Pittsburgh (RESIDENTIAL REHABILITATION)"

Which was read.

Also,

Bill No. 577

An Ordinance entitled, "An Ordinance establishing the Highland Avenue Business Improvement District, identifying the boundaries thereof, specifying the improvements to be undertaken, the costs and financing of the improvements, the method of assessing benefited properties and the method of payment of the assessments."

Which was read.

Also,

Bill No. 578

A Resolution entitled, "Resolution authorizing a Cooperation Agreement or Agreements with the Urban Redevelopment Authority of Pittsburgh ("URA"), designating URA as the City's agent for construction of the improvements in the Highland Avenue Business Improvement District and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 579

A Resolution entitled, "Resolution authorizing and directing the City to create a Special Trust Account, to be designated as the Highland Avenue Business Improvement District Trust Account, for the deposit of all payments received from assessments on benefited properties in the Highland Avenue Business Improvement District and authorizing payment of the monies deposited therein to the Urban Redevelopment Authority of Pittsburgh."

Which was read.

Also,

Bill No. 762

A Resolution entitled, "Resolution providing for an Agreement or Agreements or Contract or Contracts, or use of existing Agreements or Contracts, with a Consultant or Consultants, or Vendor or Vendors, for purpose of conducting planning and management studies, and related activities in support of such studies, including the purchase of data and data analysis equipment and training in the use of such data and equipment, at a cost not to exceed $180,000.00."

Which was read.

Also,

Bill No. 763

A Resolution entitled, "Resolution providing for an Agreement or Agreements with a consultant or consultants for the purpose of providing architectural and design services, consumer surveys and market studies, promotional activities, commercial revitalization planning assistance, and business district management in various neighborhood business districts as part of the City's Neighborhood Business District Revitalization Program, at a cost not to exceed $132,500.00."

Which was read.

Also,

Bill No. 764

A Resolution entitled, "Resolution renewing Resolution No. 1386 approved by City Council on December 14, 1993 and effective December 15, 1993 authorizing Greenfield Terrace Apartments, Inc., to construct a six-story structure on property located at 3908 Lydia Street with 40 units of housing for the elderly and parking to accommodate 8 automobiles on property zoned "R4" Multiple-Family Residence District, 15th Ward."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills? Councilman Smith.

Mr. Smith:

Yes, Mr. President. Bill 763 I would like to recommit at the request of a fellow Council person.

MR. RICCIARDI seconded the motion.

The Chair:

It has been moved and seconded on recommittal of 763, Neighborhood Business District Revitalization funding. All in favor?

WHICH MOTION PREVAILED.

The Chair: Please make sure the Clerk's Office notifies the Planning Director to be here.

Other comments? Mr. Smith, do you have other comments?

Mr. Smith:

No.

The Chair:

Thank you.

Councilman Onorato?

Mr. Onorato:

I would just like my comments brought forward on Bill 729.

(REMARKS – SEE ADDENDUM)

The Chair:

Thank you, Councilman.

Councilman Cohen?

Mr. Cohen:

Thank you, Mr. President. On Bill 762, that is $180,000.00 for two consultants in the Planning Department. I am going to vote for this because they are for activities that are going to protect the neighborhoods, apparently, but I do think that we have to bring this up at budget time, the whole issue of the City having consultantitis and hiring more and more consultants, particularly in the Planning Department. I realize that it is not their fault, in that a lot of people have been laid off in the Planning Department over the last few years, but I seriously question whether it is cost effective to hire consultants to do activities that a full-time City Planner could easily do.

So, I would like to suggest that we vote for this now, because these activities are necessary, but when budget time comes up, which is approaching quickly, we should have a dialogue with the Mayor's Office and with the Planning Department Director as to whether we can add a couple employees there to do the same task for less money.

It was said at the table last Wednesday that this is -- I believe it was at least said -- at least implied, if not stated overtly, that this is all Federal money. It is not all Federal money, less than half of it is Community Development Block Grant money. A hundred thousand out of the 180,000 is City bond money. So, it is coming out of City taxpayers' pockets, and I think that we ought to hire a couple more people over there.

The Chair:

Thank you very much. Other comments?

I would like my comments brought forward on the Highland Avenue Business Improvement District, my reservations and concerns on Bill 577 through 579.

(REMARKS -- SEE ADDENDUM)

The Chair:

Any other comments?

Mr. O'Connor?

Mr. O'Connor:

Yes, I will have my comments brought forward on that 762.

(REMARKS -- SEE ADDENDUM)

The Chair:

Thank you, Councilman.

Hearing no other comments, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Smith
Mr. O'Connor	Mr. Ferlo (Pres't)

AYES 8 NOES none

The bills having received the legally required number of votes are passed finally.

MR. CUSICK PRESENTED

Bill No. 852

Report of the Committee on Engineering & Construction for July 13, 1994 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 750

A Resolution entitled, "Resolution providing for an Agreement or Agreements with property owners within the limits of the Grant Street/Liberty Avenue-Phase III project to permit the City's Contractors to enter upon their property for the sole purpose of constructing a concrete block wall bulkhead at or near the property line to isolate the area under the sidewalk from their buildings' basement."

Which was read.

Also,

Bill No. 751

A Resolution entitled, "Resolution providing for a Contract or Contracts, or use of existing Contracts, for Renovations to various swimming pools in CD areas; and providing for the payment of the cost thereof, cost not to exceed $100,000.00, chargeable to and payable from Code Account CDEC 93-103, 4-13-62-1351-93-401-93-13, Index code #611137."

Which was read.

Also,

Bill No. 752

A Resolution entitled, "Resolution further amending Resolution #822, effective October 24, 1989, as amended by Resolution #1145, effective December 13, 1991, entitled "Providing for a License Agreement between the City of Pittsburgh and the United States Department of Army, granting the Army Corps of Engineers a privilege to conduct exploratory drilling in and around the Saw Mill Run Creek in the City of Pittsburgh to facilitate a Local Flood Control Cooperation Agreement, "by extending the time period from thirty months to December 31, 1995."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Smith
Mr. O'Connor	Mr. Ferlo (Pres't)

AYES 8 NOES none

The bills having received the legally required number of votes are passed finally.

The Chair:

That concludes our business under Reports of Committees.

MOTIONS AND RESOLUTIONS

The Chair:

Any comments or concerns under Motions and Resolutions? Councilman Cusick?

Mr. Cusick:

Yes, Mr. Ferlo, I would just like to thank you, first of all, for scheduling a post agenda, but at this

time I would appreciate it very much if we could announce that there will be a post agenda held on the 2nd of August, I believe, directly after the Legislative Meeting, regarding the Phillips Park Recreational Center. I would like to thank you for doing that for me, and hopefully for the viewers from the 4th Council District and the Carrick, Bon Air, Knoxville and Overbrook communities, I hope they turn out for that. Thank you again.

The Chair:

Thank you, Councilman. Make sure the appropriate Administrative staff are here.

Other comments?

We need a motion to approve the minutes.

MR. COHEN moved to approve the Minutes of Tuesday, July 12, 1994.

MR. O'CONNOR seconded the motion.

And on the motion of MR. RICCIARDI

Council adjourned.

(MR. FERLO'S COMMENTS ON BILLS NO. 577, 578 & 579)
(Wednesday, July 13, 1994)

Mr. Ferlo:

Second for discussion. I want somebody from the Mayor's office to be here in addition to Director Birru and I guess Director Reginella. I don't know if Mr. Kraszewski is still here.

I think most of my colleagues are aware of this. We did have a public hearing, actually two public hearings, an extended public hearing. This involves tremendous effort by the merchants and property owners along the East Liberty/Highland Avenue corridor.

I have been working for many years trying to bring together and bring to fruition a business improvement district. It has been a hard road for them to hoe. They have been active in soliciting the required level of participation from the actual property owners, and I think this Council owes the community, especially ELDI, East Liberty Development Incorporated, the staff, the board and everybody who brought this to this point a big thank you.

My reservations and concerns, I am obviously going to be voting in support of this and want to move quickly to see this bill move along, I just have some major reservations and concerns about what the role is of the city on support or lack thereof of the business effort within the East Liberty corridor.

One of my concerns about this initiative is this creates a business improvement district, but the actual participation, square footage along the property owners' contributing, is along the Highland Avenue corridor itself, as opposed to other areas where we have created a BID, it is basically the participating property owners in the affected area. For instance, Highland Avenue property owners and related parcels are not necessarily part of the assessment of the fee, either to pay for improvements along Highland or other kinds of improvements or resources that could be generated, such as a sum of money for promotional activities, other kinds of streetscape activities.

I am a little bit concerned about that. I don't think we should stop this, I think we have to build on it, but I hope that we can always amend this legislation at the point in which other property owners are solicited to become part of it. I believe that is part of ELDI's strategy, but I would hope that the city would be an advocate and assist along this process.

As far as the actual reconstruction activities, the other reservation I have is -- I used the phrase maybe inappropriately at the hearing "throwing good money

after bad" in East Liberty. But the Mayor has been a proponent of trying to do things in such a way that we actually make an impact statement in a community when we tie up large sums of money. There is over $300,000.00 being raised by the property owners and the merchants --

Mr. Birru:

125.

Mr. Ferlo:

I am sorry, 125. What is the 375?

Mr. Birru:

That is total cost.

Mr. Ferlo:

Basically it is two-thirds city, one-third property owner. I don't remember the specific amounts, I don't have them in front of me.

But my concern is that the actual work along Highland Avenue, if we all agree that part of the problem historically is what ELDI folks have referred to as "the mote like entrance into East Liberty mall," if we are going to do the reconstruction of Highland Avenue, we should do it in the right way and be done with it. To me, the right way is to restore the curb line and the parking straight through, that we should restore the streetscape, the curb line, straight through Highland Avenue. This plan, because it lacks enough city money from the capital fund or from Public Works or E&C, it maintains the -- I call them "bus stands," but these whatever we call them, the bloopers that stick out in the middle of the street. So instead of actually coming from Shadyside into the East Liberty corridor, restoring the streetscape, restoring the curb line, restoring the parking, you are going to still have this feeling of entering some mall or some area. It just does not make sense to me.

If we are going to dig up the street, we should restore it with proper lighting. We know public safety is a concern in East Liberty, real or perceived. Lighting to me is a very important issue here. If you are going to be digging up the street, the lighting should be addressed adequately, and I don't think this plan adequately addresses lighting. If we are going to dig up the curb line and dig up the street, especially the broad intersection, then we really should do it in the right way and take out those monstrosities. Also,

if we are going to take out those monstrosities, now is the time to decide and just resolve that we are going to make the circle two ways and be done with it. In other words, if we are going to do it -- I want to put the Mayor's initiatives back in his own lap. He is saying that we are going to do things differently in City Hall, he is saying we are going to have a different level of commitment to the neighborhoods. The Mayor is saying that when we do things, we want to do things in new and creative ways and maybe the old ways weren't necessarily the best ways. Well, here is a great opportunity for the Mayor, staff and the URA to really do something at the neighborhood level with the same kind of enthusiasm you put into the last week for the All Star Game and everything else.

This doesn't cut it. I am not proposing that we stall or delay this bill; we have to move along. But I am very unhappy, I don't like the level of involvement. I just think if we are going to do it and tear up the streets, let's darn well do it right and be done with it. This does not do it right. This is like it is half baked.

Mr. Birru:

Well, Councilman, I thought for a change we can doing things right this time.

Mr. Ferlo:

You are a good guy, Director. But in this sense, we are not doing it right.

Mr. Birru:

We were driven, really, in this project by the community; it is not URA or a city driven project. We have been meeting for several years.

Mr. Ferlo:

The streets belong to us.

Mr. Birru:

Right, but we have been working on the details with all the merchants. This is probably a four or five year project. Karen LaFrance is here, I think she can testify to that fact. We have been working very closely with all the merchants. It was a very --

Mr. Ferlo:

Director, not to cut you off, I don't dispute anything you are saying. The problem is the playing cards that were put out on the table by the city were the constraints in which ELDI had to work, and the constraints were a certain amount of money and a certain level of reconstruction activity along Highland Avenue. So let's be clear. Obviously, the community is struggling and dying for any level of participation, so they welcome whatever level we have. That doesn't mean it is the right level. And if you gave them a certain deck of cards to play with, which we did, then that is the deck of cards they have to play with. That does not deal with the issues that I am trying to address here about if we are going to do it, let's do it right and let's change it now in terms of our participation.

Mr. Birru:

If you recall, last year there was a complaint from the East Liberty merchants that there wasn't enough money in the deal. We came back and put in excess of 100,000 to do what were supposed to be the necessary improvements for Highland Avenue. So we have been adding funds into the project, compared to what we originally intended to do in the area.

I think there is consensus, honestly, in the area, very little opposition. The merchants want us to start the program. There is some concern on the lighting. I think the majority like the lighting programs. We had professionals to look into it. We spoke with the merchants and we re-visited the lighting again, and I think from all our findings for a district of that type, the lighting should be adequate and everybody is happy.

As I said initially, this is community driven; this is not URA driven.

Mr. Ferlo:

Let me ask you this, Director: Who paid for the sidewalks along Penn Avenue that were reconstructed and done?

Mr. Birru:

In the past? The city paid for it.

Mr. Ferlo:

That is my point: We paid for them. Here, you have the merchants and the property owners along

Highland Avenue paying for it.

Mr. Birru:

They are paying a very small amount of money.

Mr. Ferlo:

So it is not unreasonable to suggest that we make a bigger commitment and really do the job in the right way. I don't think we are doing that.

Mr. Birru:

The philosophy behind creation of a business district is that merchants participate. When they put their money in, they are part of the planning process, instead of really getting a free service from the city for which they may not care. We are putting in $400,000.00 for the road, and additional --

Mr. Ferlo:

Is this Highland Avenue plan -- which I do not support because it is not doing the job in the right way -- is it tied directly to making the circle two ways and making a statement?

Part of the problem is the perception. A lot of what affects East Liberty is perception, as opposed to reality. The physical barriers have a lot to do with the perception of shoppers, commuters or residents who may not be attracted to the area. We have a chance in doing what we are going to do here to tie it into the other barrier constraints that exist, and that is the mote like reality of the East Liberty Circle, not taking out -- Director, what do you call these things that stick out in the middle of the road?

Mr. Reginella:

I am making notes here.

Mr. Ferlo:

Engineering-wise, what do you call them?

Mr. Reginella:

We call them peninsulas, we call them turnouts.

Mr. Ferlo:

Those peninsulas have turned East Liberty into an island, so let's get rid of them.

Mr. Reginella:

They have been called bloops, bloopers.

The Chair:

Mistakes.

Mr. Reginella:

If you wish me to respond to that --

Mr. Ferlo:

I guess.

Mr. Reginella:

We have agreed to remove all of the turnouts except at the southern and northern extremities.

Mr. Ferlo:

Right. That is the perception issue, that is where people enter from Shadyside or Highland Park.

Mr. Reginella:

I fail to see where the presence of four turnouts, which you have unfairly called "monstrosities," in reality, they are self-enforcing traffic control devices, and I can get into the specifics of it with you if you wish.

Mr. Ferlo:

All I know is when they weren't there, there was a lot more traffic in East Liberty than when they were there.

Mr. Reginella:

That is precisely why we want to make an effort to control the flow of traffic in and out of the intersections. But I don't see how the presence of the turnouts conveys the ideas of a mall, the persistence of a mall.

Mr. Ferlo:

Because there is not a meter, there is not a parking space, there is not a curb and it is not a straight line.

Mr. Reginella:

It is precisely intended to keep people from parking right up to the corner, which people will do.

Mr. Ferlo:

Let me phrase it another place. Tell me one -- one, only one, uno, uni -- one place in this city neighborhood business district or Downtown where we have peninsulas.

Mr. Reginella:

At Oliver and Smithfield.

Mr. Ferlo:

Any neighborhoods business district?

The Chair:

You said "one."

Mr. Ferlo:

They say the God Lord should know the answer to the question.
Any neighborhood business district?

Mr. Reginella:

Frankly, none that I know of. I agree.

Mr. Leeper:

Councilman, I am a little dunce here, but I am confused.

Mr. Ferlo:

First of all, I was an advocate for the peninsula Downtown because of the bus people and four people getting killed there. But that is another issue.

Mr. Leeper:

I don't know what the question is. We started on Highland Avenue and jumped to the Circle. We are talking about two way traffic on the Circle?

Mr. Ferlo:

We are doing things half baked here. We are not making enough of a commitment to correct the Highland Avenue corridor transportation-wise.

Mr. Leeper:

What would be more of an effort?

Mr. Ferlo:

Move of an effort is to restore the total curb line and the streetscape straight through Highland Avenue.

Mr. Leeper:

The only thing that is stopping that total curb line all the way back is --

Mr. Ferlo:

The two southern end peninsulas.

Mr. Reginella:

We will have restored the curb line with the exception of the turnouts.

Mr. Birru:

I think this is a beginning.

Mr. Ferlo:

The lighting is not adequate, either.

Mr. Birru:

The lighting we are convinced, Councilman. But we have a lot of other projects coming up. We just got preliminary approval by Harrisburg for up to $5 million in improvements for East Liberty. We have done the same thing for other neighborhoods, also. So I think what you should initially -- the Mayor's efforts in the neighborhoods, I think we are showing that through our

recent applications to HUD for state capital budget, where we are going to get a lot of funds for Lawrenceville, your area, North Side, East Liberty, Homewood and so on. So there is a lot of funding coming up and there will be a lot of planning to improve the neighborhoods in the area.

This is the beginning. I think the committee is happy. We want to proceed with the plans and as we go along, we look for improvements. We don't believe that we have the final solution yet. We are learning as we are doing all the small projects in the area.

(END OF REMARKS)
Transcribed by: Helen L. Kriebel
Stenotype Reporter

(MR. ONORATO'S COMMENTS ON BILL NO. 729)
(Wednesday, July 13, 1994)

Mr. Onorato:

I am not going to vote for this. I stated last year that I won't vote for one dollar until I have an opportunity to talk with them and deal with the security. No one has approached me about any tot lots in North View Heights, which is in my district. Until I get informed of this, which I bring up every year, I will continue to vote no until we get some respect at the table.

(Deleted text.)

Mr. Onorato:

I know most of us have public housing in our district, and I don't know if you were informed of what is going on in your public housing, but I wasn't. If I can say again, individuals that live in public housing are also our residents, just another neighborhood.

(END OF REMARKS.)
Transcribed by: Helen L. Kriebel
Stenotyoe Reporter

(MR. O'CONNOR'S COMMENTS ON BILL NO. 762)
(Wednesday, 7/13/94)

Mr. O'Connor:

Just on the same lines, we are talking about Oakland and you mentioned the University has studies, the hospitals have studies. Then when we come Downtown, I have seen the Cultural Trust, it is beautiful, the nicest thing money can buy, the study. And in Squirrel Hill -- if I can jump a little to the next bill, because when we put this bill and the next bill together, for consultants and business studies you are talking about $310,000.00. I witnessed you or the URA had studies come in, people we paid, they did business studies, suggestions, in Squirrel Hill, Greenfield and Hazelwood, and they did an excellent job, but nothing happened. I think we spent over at least $10,000.00 in each neighborhood for these consultants. Again, beautiful jobs; I am not criticizing them. But there was no follow-up. I don't know that one idea or maybe one or two might have worked, but in the business district I can tell you first hand nothing happened.

I guess my point is if you could -- we are spending $310,000.00 in every group, and you just mentioned the federal moneys coming in. And, in fact, in Schenley Park they were going to put up jersey barriers until Council decides to say, "It is not right." I know you agree with it, too.

Mr. Cohen:

Can I interrupt you on one point on that? Eloise Hirsh was very much involved on the other side as a citizens' advocate on that very issue, so she certainly has experience with that.

Mr. O'Connor:

With all these dollars and all these plans, it usually comes down to someone in your department or the Council person finding the problem and at the last minute trying to change it.

My problem with these consultants, I don't know that we need to do all the -- somebody out there is doing all these nice things. I saw a plan for riverfront, I shouldn't, maybe, say who showed it to me, but it is beautiful; pages after pages of what these gambling things are coming in doing. I mean, they have the studies and the layouts and the ifs and the wish list. But it is going to take somebody like yourself in your department to say, "This is good, this is bad," you

know, people that own property.

I would like to ask maybe if we could hold this two weeks for you to have a wish list to say, "Can we turn the $310,000.00 into going out and hiring four or four planners." There are a lot of experts out there. I wasn't too happy about the planners when I first came, I wanted very much to get rid of them because I witnessed in Hazelwood they didn't do anything. But maybe now that Council is starting to work as a district, if we had planners that were committed to -- even if we shared districts, if we had four planners and they each took two districts where they would be committed. Right now we can come to you, but you have the whole city to worry about. If we broke it down, if you could hire five or six planners not only to study all these things, instead of one of us changing the jersey barrier, hopefully he or she would do that job and make it 90 percent right before it came to us, but also follow-up.

Again, we talk about the budget. Why waste the 310 now, if we can hold it, if we know we are going to spend it next month, why not hold it and maybe give you a month to hire with the proper approval?

Ms. Hirsh:

These are really CD dollars, most of them. The neighborhood business district, I know we are not on that bill, but the neighborhood business district money is 100 percent CD, and the program management, $100,000.00 of that is CD dollars. I think that there are very stringent requirements on the kinds of things that that can go for.

I think that if we could have this conversation at budget time -- this is really, this bill, to encumber the funds for the year that we are in right now. If we could have this conversation when we come to putting together the '95 budget, I think that is very appropriate.

Mr. O'Connor:

Are you saying we couldn't use these dollars anyhow?

Ms. Hirsh:

We certainly couldn't get work going within the -- with this money, we can get work going in three months. Actually, with this money, with the neighborhood business district -- if I can have permission to address that?

Mr. Onorato:

Yes.

Ms. Hirsh:

The neighborhood business district money that is requested here is a grants program for which there has already been an application cycle; groups have already put in their requests for it. I can give you a list of groups who have applied for it. It is a program that is administered jointly by Planning, the URA and, in fact, the awards are made jointly by myself, Director Birru and Councilman Smith. And this is something which is really already in process. I am sure there are a number of neighborhood groups that are counting on quite a lot of this money.

The neighborhood business district money does not really come to the Planning Department; it is an awards program that goes to groups.

Mr. O'Connor:

My problem is these groups -- and there are a lot of goods ones -- we give them these plans and somehow they can't get them done. I am talking about Squirrel Hill business district, too; I am not talking just low income.

Ms. Hirsh:

On the Hazelwood plan, though, for example, I believe there has been an application for an enterprise zone. I don't know the status of it and I will find out.

Mr. O'Connor:

They did the application, but where is the meat? In these development groups, the rich get richer and the poor get poorer. Just because one or two neighborhoods don't haven't the sophistication of an East Liberty Development -- which I am jealous of, they are very good, I am complimenting them. East Liberty hopefully turns around. But the smaller neighborhoods who don't have the facility, capability or knowledge, know what grants are out there, don't get anything. All this money is coming down from the government. You have one or two neighborhood groups who can't do it right or don't do the right -- I will talk about Greenfield lost all their funding from United Way because I don't think they had -- they didn't go out and hire some sharpie to

do a proposal, and they do very good work. But I am finding out the person who hires the sharp person who writes this very nice piece of paper gets all the money, and nobody is looking at actually what they are doing. By the time it funnels through -- what I am saying is these one or two people are supposed to be writing this piece of paper to get all the money and the taxpayers are not getting their fair share.

Ms. Hirsh:

Well, it sounds like we need to do a better job of helping the less sophisticated groups. I know, for example, Lawrenceville which has done a terrific job for themselves not only are working on behalf of themselves, but they also are starting to go out and meet with other neighborhood groups. In fact, it may be that the sophisticate neighborhood commercial groups are the ones that should be helping smaller ones.

Mr. O'Connor:

It is like teaching a first grader to get to law school; it will take years and years by the time they do that. I am saying these planners, if they were doing their job before, if we hire them again I would like to watch them so that they can do it, instead of counting on a good neighbor.

Lawrenceville is very good, South Side has an excellent group.

Ms. Hirsh:

I would like to figure out a way to work with you to make sure the less sophisticated groups do get better help than apparently they are getting.

Mr. O'Connor:

That is something your department owes the less sophisticated groups. I know your new attitude, I am not criticizing you, but I think that is something, hopefully, you can work on.

If this money is CD and it can't go anywhere else, I guess we can't hire. But I would like you to think about it if it is possible.

(END OF REMARKS.)
Transcribed by: Helen L. Kriebel
Stenotype Reporter

MUNICIPAL RECORD

Proceedings of the Council of the City of Pittsburgh

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Municipal Record

ONE-HUNDRED TWENTY-EIGHTH COUNCIL

JIM FERLO.....President
LINDA M. JOHNSON-WASLER.....City Clerk
KURT J. SALAC.....Asst. City Clerk

Pittsburgh, PA
Tuesday, July 26, 1994

PRESENT:

Mr. Cohen	**Mr. Onorato**
Mr. Cusick	**Mr. Ricciardi**
Mr. Hertzberg	**Mr. Smith**
Mr. O'Connor	**Mr. Ferlo (Pres't)**

The Chair:

Good morning. City Council's Legislation Session will now come to order. Would you all please rise for the Pledge of Allegiance and would you remain standing for a moment of silent prayer so that we may have peace throughout the world.

We are very honored and pleased to have a young lady here today, Laura Liss, she is nine years old; she is entering the 4th Grade at East Hills Elementary School. She took a day off from her day camp, and she is here to lead us in the Pledge of Allegiance. Laura.

Laura Liss:

I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with Liberty and Justice for all.

The Chair:

Thank you.

PRESENTATIONS

The Chair:

Thank you. We have a number of honored guests and honorees in the audience today. We are going to do it a little bit out of order. And, at this time I would like to call on Councilman Bob O'Connor.

Mr. O'Connor:

Thank you, Mr. President. Would Gene Connelly and Rich Maloney please come up from the Regatta.

We thought we just got over the All-Star break, the All-Star game, the Vintage Grand Prix, and now we have another big weekend coming up in Pittsburgh. It is amazing, I used to want to go on vacation anytime, now you just cannot leave, you have to check your calendar, you just cannot leave Pittsburgh with all the exciting events going on. And, I would like to read this proclamation for the Regatta. Come on over close, Gene, I won't bite you.

MR. O'CONNOR PRESENTS

No. 853

WHEREAS, the 1994 Three Rivers Regatta, presented by Pepsi and the Greater Pittsburgh Pontiac Dealers, is celebrating its seventeenth anniversary with a theme of "Pittsburghers Celebrating Pittsburgh", to build on the

camaraderie and enthusiasm among Pittsburgh's communities, and to reflect all of our appreciation for Pittsburgh's three rivers; and,

WHEREAS, under Eugene F. Connelly, President and General Chairman of the Pittsburgh Three Rivers Regatta, what began as a "Carnival of the Three Rivers" has grown to become the city's largest summer celebration, highlighting our invaluable river resources, and offering four full days of exciting activities at Point State Park, free to the public; and,

WHEREAS, the 1994 Regatta will feature a schedule of more than 70 events between August 4 and 7, including the Regatta Land Parade, the Bud Light Formula One International Outboard Grand Prix power boat race, Nestle water ski performance, the popular Swatch "anything That Floats Race", Zambelli's fireworks, the Snyder of Berlin/KDKA TV2 Hot Air Balloon Classic, the St. Francis Laser Show Spectacular, and the new Regatta Educational Outreach Program; and,

WHEREAS, Congressman John P. Murtha has been chosen as the 1994 "Riverperson of the Year," for his acting as a friend of the waterway, and providing invaluable support for modernization efforts of the locks and dams of Western Pennsylvania.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby commend the President and General Chairman of the Three Rivers Regatta, Eugene F. Connelly, Vice President Richard Maloney, all of the dedicated and capable Regatta staff, and the many volunteers who work diligently to make the Regatta a success each year.

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh declares August 4-7, 1994 to be "Regatta Weekend" in the City of Pittsburgh, and encourages all citizens to enjoy the four days of celebration.

SPONSORED BY COUNCILMEMBERS BOB O'CONNOR, DAN COHEN, JOE CUSICK, JIM FERLO, ALAN HERTZBERG, DAN ONORATO, GENE RICCIARDI, AND CHRISTOPHER SMITH.

MR. O'CONNOR moved to adopt the resolution.

MR. COHEN seconded the motion.

Which motion prevailed.

Mr. O'Connor:

And, being a board member I have attended quite a few meetings lately, and it is really the things I read, and there is actually 70 events, and I was in awe when I saw all the work Gene and Rich have done, setting up new and exciting things, and especially I want you to tell us about the exciting -- how you are going to kick off at Point State Park with the children and the handicap children event, I think it is just a spectacular thing you are doing. Gene, come on up and tell us a little bit about it.

Mr. Connelly:

President Jim Ferlo and fellow Councilmen, we are honored and we are very privileged to be able to have the City of Pittsburgh to stage our Regatta. Without -- the three rivers, we just have the most beautiful place in the whole country. We have made the Regatta an international event.

Three years ago we were honored to be selected by the International Festival Association to take our Pittsburgh Three Rivers Regatta to the City of Roderdam, and they celebrated their 650th anniversary, they've had an additional Regatta since then but we kicked off something that is just very beautiful and we are proud that we are able to have and stage something of the caliber and the magnitude that we have of the Three Rivers Regatta. When it brings a million plus into the City of Pittsburgh and spend their dollars and all the monies, whether it is the hotels, the restaurants, the parking, and all of the additional monies that come in, you can see why we just swell with pride that we are able to do all of the things that we can and that we are part of the City of Pittsburgh and the County of Allegheny and the State of Pennsylvania.

I am going to ask Rich Maloney, who handles all of the special events, if he will comment for just a brief minute on what we are doing, especially for the handicapped and under-privileged children. This is the first time that we have been able to introduce something of this nature and

we are happy to have Rich Maloney explain it to you. Thank you very much.

Mr. Maloney:

Thank you. August 3rd this year we are going to be having a very special program called "Regatta Smiles". Due to the magnitude of our event and the tremendous crowds that we have down at Point State Park, sometimes it becomes very difficult for the physically handicapped to attend the Regatta.

So, this year we are going to have a private Regatta, August 3rd, from 10:00 o'clock until 1:00 o'clock, and we are going to have exhibitions from the race boats, we are going to have hot air balloon tethering. We are going to have entertainment on the main stage, and we are going to try and have a very special event for all those special people. So, we encourage everyone to come down and enjoy this year's Regatta with us, and we look forward to everybody following our theme "Pittsburghers celebrating Pittsburgh". Thanks.

Mr. Connelly:

We also wanted to give a very special "thank you" to City Council, Jim and Bob and fellow Council members, we are very grateful for all the cooperation, the assistance, because it is a big job, it is a very monumental job to be able to pull something of this caliber off. And, thank you to your special cooperation.

The Chair:

Thank you. Hopefully we will get the banners up with no problem.

Mr. Connelly:

We always need special consideration, City Council has been there each and every time that we have needed it and we are very grateful for it.

The Chair:

Thank you. Thank you for hosting a great event. Councilman Cohen.

Mr. Cohen:

Very briefly, Mr. President. I just want to congratulate Gene Connelly and everybody who is associated with the Regatta, it is just a fantastic event, it really is, and it highlights our rivers, it couldn't be better, it brings so many thousands of people into our City and you keep doing it better and better every year, so I can't wait to see it this year. Congratulations.

The Chair:

Thank you. I would like Cheryl Barry to come forward, please. I would like to move the following resolution and recognize this individual right here.

THE CHAIR PRESENTS

No. 854

WHEREAS, in this day and age the average citizen is bombarded by various forms of media with stories of crime, violence, dishonesty and profiles of inhumanity and the disregard with which we treat one another; and

WHEREAS, despite this focus, there are countless good citizens and unsung heroes and heroines, like Cheryl Barry, who quietly lead their lives assisting fellow human beings and making the world a better place to live in small ways every day without proper recognition by society; and

WHEREAS, Cheryl Barry, a resident of Polish Hill and Principal of the Immaculate Heart of Mary Grade School, found herself the surprised benefactress of a malfunctioning parking meter which emptied out onto the sidewalk before her 534 quarters for a total of $133.50; and

WHEREAS, Cheryl Barry, who volunteers her time on numerous community functions in addition to her school duties, took additional volunteer time to come down to City Hall and return to the city treasury all 534 coins.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Pittsburgh hereby commends Cheryl Barry for her honesty, selflessness and good citizenship.

BE IT FURTHER RESOLVED, that Tuesday, July 26, 1994 be named "Cheryl Barry Day" here in the City of Pittsburgh.

MR. O'CONNOR moved to adopt the resolution.

MR. ONORATO seconded the motion.

Which motion prevailed.

The Chair:

Thank you. Cheryl, do you want to say a few words. You don't have any more quarters to bring back, do you?

Ms. Barry:

No, I don't.

I just want to thank everyone, and I look forward to the day when this kind of becomes a norm and people don't have to get this very special recognition for just doing something that is right. But, thank you.

The Chair:

Thank you.

Mr. Onorato:

Mr. President, I would just like to know when she's scheduling her trip to Atlantic City, if we could all know the date?

The Chair:

I'm sure it is planning with the next fund raiser by sending her to --

I have two other guests here this morning, a few other guests, and I want to go through these very quickly.

We have a young man in the audience today, Danny Lagamba, and his dad. Do you want to come forward, please. Danny, I would like you to have this plaque.

Members of Council, I would like to move the following resolution:

THE CHAIR PRESENTS

No. 855

WHEREAS, the 1994 National Marbles Tournament for qualifiers ages 8 through 14 was held in Wildwood, New Jersey June 19 through June 23, 1994; and

WHEREAS, the marble-shooting boys and girls from the City of Pittsburgh have traditionally done well in the National Marbles Tournaments and have won at least seven national titles since 1976; and

WHEREAS, Danny Lagamba, 11, a Lawrenceville resident and 6th grade student at St. John Neuman School, in his first year of organized tournament competition, placed 7th in the Allegheny County Marbles Tournament and won a trip to the National Marbles Tournament in New Jersey; and

WHEREAS, Daniel and Ann Marie Lagamba, Danny's parents, supported their son's efforts and took great pride in seeing their son excel in his first year as a competitor in the Allegheny County and the National Marble Tournament; and

WHEREAS, Danny Lagamba shot well at the National Marbles Tournament and proved to be an excellent representative of the young people of the City of Pittsburgh at the tournament in Wildwood, New Jersey.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Pittsburgh hereby congratulates Danny Lagamba on placing 7th at the Allegheny County Marbles Tournament and winning a trip to the National Marbles Tournament and wishes him the best of luck in future competitions.

BE IT FURTHER RESOLVED that the Council of the City of Pittsburgh does hereby declare Tuesday, July 26, 1994 to be "Danny Lagamba Day" in the City of Pittsburgh.

MR. COHEN moved to adopt the resolution.

MR. RICCIARDI seconded the motion.

Which motion prevailed.

The Chair:

Thank you. Danny, we have another proclamation. His dad is here, I don't know if -- dad, do you want to say a few words? We are going to bring Danny up here and congratulate him formally. Danny, congratulations.

Danny Lagamba:

All I would like to say is just say, thank you for inviting me down here.

The Chair:

A man of few words. We want to wish you well; we know you're going to go back again next year and we think you are going to be a great marbles tournament winner. And, Mr. Ricciardi, I know next time we will have to have some friendly competition between the South Side and Lawrenceville. For many years Lawrenceville held the reign and now of late South Side is taking over, and maybe next time we will have to beat the South Side.

Mr. Ricciardi:

And we all represent the City of Pittsburgh. Congratulations.

The Chair:

Very good. Thank you.

I would like our guests from 7-Eleven to come forward and Handee Marts.

Members of Council, I am very pleased to read and introduce the following resolution on behalf of many neighborhood groups throughout the City. I would hope that as we approve this, we can have all Council members co-signature on this proclamation.

THE CHAIR PRESENTS

No. 856

WHEREAS, the Public Safety Fairs, sponsored by 7-Eleven/Handee Marts, Inc., began as a free safe Neighborhood Workshop at the Friendship Elementary School on Saturday, March 19, 1994 which benefited the residents of Pittsburgh's Bloomfield, Garfield and Friendship communities, and was presented by the Crime Prevention Officers of Western Pennsylvania; and

WHEREAS, the workshop was so successful that Herb Chavanne, President/CEO of 7-Eleven/Handee Marts, Inc., expanded it into Public Safety Fairs throughout Pittsburgh's six zones this summer which have included demonstrations by Pittsburgh's Community Oriented Police, as well as safety workshops, entertainment, prizes and free refreshments.

WHEREAS, the summer safety fairs, co-sponsored by the City of Pittsburgh Department of Public Safety, Community Oriented Police and each zone's Public Safety Council, have been extremely successful in helping area residents increase their knowledge about safety and preventing crime as well as providing an environment where residents and police officers can interact and get to know one another; and

WHEREAS, continuing its program of community oriented safety fairs, 7-Eleven conducted another successful free Public Safety Fair at Arsenal Park in Lawrenceville on Saturday, July 23, 1994, in Pittsburgh's Zone 2, benefiting the residents of Lower Lawrenceville, Polish Hill, the Hill District, the Strip District, Uptown, South and West Oakland and Downtown communities.

NOW THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh, hereby commends 7-Eleven/Handee Marts, Inc., for their sponsorship of the Public Safety Fairs which have brought police and area residents together to work for the betterment of the community; and

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh hereby commends Mr. Herb Chavanne for his dedication and commitment to improving public safety in Pittsburgh.

SPONSORED BY COUNCIL MEMBERS JIM FERLO, DAN COHEN, JOE CUSICK, ALAN HERTZBERG, BOB O'CONNOR, DAN ONORATO, GENE RICCIARDI AND CHRISTOPHER SMITH.

MR. O'CONNOR moved to adopt the resolution.

MR. ONORATO seconded the motion.

Which motion prevailed.

The Chair:

Thank you very much. I think the resolution speaks for itself, all of our Council districts have benefited from your dedication and hard work and your corporate good citizenship and we just want to applaud you and thank you very much, and hopefully next year we can work more directly with the rest of our colleagues and promote the events throughout each one of our Council districts, but we wanted to bring you down here for your recognition and say, thank you. Thank you very much, we would like to have you say a few words.

Mr. Chavanne:

I would just like to say, thank you, in return; it has been certainly a privilege for me to be able to be associated with the Community Oriented Police group and also the Crime Prevention Officers of Western Pennsylvania. Today, as everyone knows, crime is a major concern and it should be a major concern of the entire community. I think what the folks in those groups are doing is very commendable and I am very pleased to be a part of it. Thank you very much.

The Chair:

Thank you, Herbert.

At this time I am very pleased to call on Councilman Dan Cohen.

Mr. Cohen:

Thank you, Mr. President. I am co-sponsoring this proclamation with Mr. Alan Hertzberg. And, would the folks from the Three Rivers Center for Independent Living come up here, please.

The Chair:

And, Councilman Hertzberg, would you please come forward.

Mr. Cohen:

Thank you.

The Chair:

I would like to have the City Clerk please list all the members of Council supporting the previous proclamation.

Mr. Cohen:

Members of Council and members of the audience, it is my genuine pleasure to introduce this proclamation regarding Three Rivers Center for Independent Living. The Three Rivers Center for Independent Living is a very, very important non-profit organization that is dedicated to assisting people with disabilities, and this evening they are having their second annual -- I believe that's right, Bill, right? -- the second annual Forging a New Freedom Dinner and it is going to be at the Vista Hotel and it is going to be a fantastic event.

We often focus, when it comes to people with disabilities, on physical disabilities, but the more that I have been involved in this area, the more I realize the psychological barriers, I think, are greater than the physical barriers, and people with disabilities can lead very successful independent lives, as long as they live in an environment that is sensitive to their needs, and that is really what the Three Rivers Center for Independent Living is all about.

So, if we can overcome those psychological barriers, I know that we can have a very, very independent and fruitful world for people with disabilities. And, the proclamation goes as follows:

MR. COHEN PRESENTS

No. 857

WHEREAS, the Three Rivers Center for Independent Living was founded in 1980 to work to empower people with disabilities to take control of their own lives, to live independently and productively within their community and to make independent decisions about their futures; and

WHEREAS, the Three Rivers Center for Independent Living is a non-profit organization run by people with disabilities dedicated to assisting people with disabilities; and

WHEREAS, the Three Rivers Center for Independent Living addresses the needs of all people with motor, sensory, cognitive and hidden disabilities, and most frequently, those with the severest disabilities; and

WHEREAS, the Three Rivers Center for Independent Living's Second Annual Forging a New Freedom Dinner, which will be held at the Vista International Hotel on July 26, 1994, serves to celebrate the Center's effort to create in Southwestern Pennsylvania an environment that is responsive and sensitive to the needs of people with disabilities.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh commends the Three Rivers Center for Independent Living for their lasting contribution to people with disabilities; and

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh declares Tuesday, July 26, 1994, to be the Three Rivers Center for Independent Living Day in the City of Pittsburgh.

SPONSORED BY COUNCILMEN DAN COHEN AND ALAN HERTZBERG

MR. COHEN moved to adopt the resolution.

MR. SMITH seconded the motion.

Which motion prevailed.

Mr. Cohen:

Thank you very much. As I said, I am co-sponsoring this resolution with Alan Hertzberg, who has also been very involved in this area, and I believe gave a proclamation to Three Rivers Center for Independent Living about a year ago -- well, it wasn't even that long ago. Boy. Well you deserve it, both times. Anyway, I think all of you know Bill Chrisner, who is the Executive Director of the Three Rivers Center, and he is here today. We also have -- and want him to say a few words. We also have with us Lucy Spruill, who you all know as well, who is the American with Disabilities Act Facilities Coordinator for the City of Pittsburgh; also, three others, who are associated with the Three Rivers Center, and that is Dave Graffam. Thank you for being here, Dave. And, Ruth Brenyo, I hope I am pronouncing her name correctly -- thank you for being here. And, where's Patty Thomas? Patty, you are the photographer today. So, thank you for coming down.

Let's have Alan Hertzberg say a few words first, and then I want to present this proclamation to Bill Chrisner. Come on, Alan.

Mr. Hertzberg:

Always a pleasure to have Three Rivers Center for Independent Living here in City Council and honor you. On a personal level I have seen the work that you have done with my brother for quite a few years, and he is one of the clients that you have helped greatly; he is living independently despite a wide variety of physical problems, and I salute you and wish you continuing success, and have a good dinner tonight.

Mr. Cohen:

Thank you, Councilman. Bill, you have one step up here.

Mr. Chrisner:

You still don't have a ramp.

Mr. Cohen:

Yeah, you're right. You're right. We need a ramp right here.

Bill, I just want to present this to you formally. Congratulations. I hope you have a terrific dinner tonight. Do you want to hold on to it, or shall I do that.

Mr. Chrisner:

Well, okay. You can hold on to it. That's very nice. And, thank you.

Mr. Cohen:

You can hold on to it, and enlighten us. Thank you very much, Bill.

Mr. Chrisner:

Well, I never miss a chance to get a hold of this mike in front of City Council.

On behalf of people with disabilities in the City of Pittsburgh and the county and the country, I would just like to say "thank you" very much to Councilman Cohen and Councilman Hertzberg and all of you at City Council for your support of people with disabilities in our struggle to live productive integrated self-directed lives in the community.

It is very often -- I think Councilman Cohen said, it is the attitudinal barriers out there that are harder to deal with than the physical barriers. Physical barriers to our integration into society are easy to identify and to eliminate, but the prejudicial attitudinal barriers that we face on a daily basis are the things that are most difficult to get a grip on and to change and to eliminate, and today, although you have made it Three Rivers Center for Independent Living Day in the City of Pittsburgh, today is the day of the fourth anniversary of the Americans with Disabilities Act, and coverage for protection against discriminatory practice in employment goes into effect for employers of 15 or more employees.

So, virtually millions of people who are out in the work world are now covered and protected in extended Civil Rights protection. So, they will be able to lead lives of productivity and fulfillment because of protection under the law.

Today is the day, on the anniversary of the signing of the ADA, when people with disabilities, humanity was recognized, that we do, as human beings, have -- are entitled to Civil Rights, and thanks to the passage of the Americans with Disabilities Act, I think people with disabilities are going to be recognized as human beings and as fully participative contributing members to their community, and thanks to City Council for your support of our efforts. Bye.

The Chair:

Thank you, Bill. Thank you all for your leadership.

Councilman Smith.

Mr. Smith:

While they are getting their picture taken, I would just like to say that in our society we have prejudice and ignorance throughout it, based on things that are so absurd that we have got to address the total integration of people with physical handicaps into our society, our work place, and we must express and take this opportunity to encourage everyone to give that open-mindedness as we hire people, as people move into our neighborhoods, and it is only right and fair that the handicap have an opportunity to live an entire life.

I spent a number of years working with Mr. Chrisner and I know that there are a lot of people who can contribute to our society who may not have total physical abilities but their minds and their ability to reason is wonderful and we need them in our society to make this a better country.

The Chair:

Thank you, Councilman. Thank you all. I appreciate your leadership.

Councilman Hertzberg, I believe you have a proclamation.

Mr. Hertzberg:

I do not think there is anyone here from Pittsburgh International Sports Association. They were here last week. So, this can be read into the record.

The Chair:

I would like to have the following proclamation read into the record.

MR. HERTZBERG PRESENTS

No. 858

WHEREAS, the Pittsburgh International Sports Association (PISA), a project of Pittsburgh's Sister Cities Association and the Pittsburgh Founders Council, is dedicated to the interaction of Pittsburgh area amateur youth sports programs with international amateur youth sports programs; and,

WHEREAS, in 1994-1995 PISA will bring to Pittsburgh world class athletic competition in soccer, baseball, hockey and basketball through the first annual Pittsburgh competition from Pittsburgh sister cities in Russia, England, Germany, Croatia, Poland, Czech Republic, and Puerto Rico and All Star Teams from Pittsburgh and surrounding school districts; and,

WHEREAS, the Soccer Challenge takes place July 23-30, 1994, the Baseball Challenge August 1-7, 1994, the Basketball Challenge January 14-19, 1995 and the Hockey Challenge April 20-22, 1995; and,

WHEREAS, U.S. Air and British Airways have assisted PISA by providing air transportation to these international teams; and,

WHEREAS, teams from throughout Pittsburgh and Western Pennsylvania will compete against international teams that include Team Sheffield United, England Team Novokuznetsk, Russia, Team Toronto Canada, Team Carolina and Puerto Rico; and,

WHEREAS, all proceeds from this first annual Challenge Cup series will benefit local amateur youth sports programs, Children's Hospital of Pittsburgh, and charitable children's medical organizations in the participating sister cities.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh commends the Pittsburgh Founders Council, Pittsburgh Sister Cities Association, USAir and British Airways for their tremendous efforts in helping youth world wide.

MR. HERTZBERG moved to adopt the resolution.

MR. SMITH seconded the motion.

Which motion prevailed.

The Chair:

Councilman Onorato.

Mr. Onorato:

Read into the record, Mr. President.

The Chair:

Thank you, Councilman.

MR. ONORATO PRESENTS

No. 859

WHEREAS, Mr. Bill Walters is Register of Wills for York County, Pennsylvania; and

WHEREAS, Bill Walters got to know and love the City of Pittsburgh while his son lived here before moving to England; and

WHEREAS, Bill is especially fond of Sunseri's in the Strip District; and

WHEREAS, Bill Walters has been an extraordinary President of the Register of Wills Association by helping to achieve many goals, especially that of influencing laws affecting fee collections in Harrisburg.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh recognizes and commends Bill Walters for his service and dedication to the Register of Wills Association; and

BE IT ALSO RESOLVED that Wednesday, July 20, 1994 be declared Bill Walters Day in the City of Pittsburgh.

MR. ONORATO moved to adopt the resolution.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

The Chair:

Councilman Ricciardi.

Mr. Ricciardi:

Thank you, Mr. President. Also, to be read into the record.

The Chair:

Thank you, Mr. Ricciardi.

MR. RICCIARDI PRESENTS

No. 860

WHEREAS, Julia H. Fortunato started with Elder-ado, Inc., as a caseworker on October 6, 1975. Her duties were to identify and assess the needs of clients, deliver direct casework services, and develop an outreach program; and,

WHEREAS, in 1976 Julia Fortunato was made Outreach/Social Service Director with responsibilities including supervising all Outreach Social Services staff, submitting proposals to HUD and CETA, and planning and coordinating the first Health Screen Program for Senior Citizens; and,

WHEREAS, July Fortunato became Acting Director of Elder-Ado, Inc., in March of 1982 and Executive Director in September, 1984; and,

WHEREAS, during Julia Fortunato's tenure as Executive Director she supervised the Mini-Home Repair Program, Senior Home Companion Program, CETA Programs, Housing Counselors, and Vista Volunteers; and,

WHEREAS, Julia Fortunato coordinated many DARE Health Screen Programs, the Program for Flu Shots for the Elderly, and the In-Home Service and Chore Programs to provide services for seniors.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Pittsburgh hereby congratulates Julia H. Fortunato, Executive Director of Elder-Ado, Inc., on her many years of service to the Senior Community of Pittsburgh and declares Friday, July 29, 1994 "Julia H. Fortunato Day" in the City of Pittsburgh.

MR. RICCIARDI moved to adopt the resolution.

MR. SMITH seconded the motion.

Which motion prevailed.

The Chair:

Thank you. That concludes our resolutions and proclamations. At this time I would like to ask, is there any Unfinished Business or Report of any Special Committee?

Hearing none, we will move to Presentation of Papers. Councilman Cohen, Committee on Public Safety.

MR. COHEN PRESENTED

No. 861

Resolution providing for the issuance of a $4,807.62 warrant in favor of Pittsburgh Animal Hospital, for veterinary services for police dogs, payment is requested without authority of law, payable from Code Account 1447-1, Index Code 144717.

Also,

No. 862

Resolution authorizing the transfer of $83,000.00 from Code Account 1470-9, Index Code 147090, to Code Account 1461-3, Index Code 146131. Longevity, Bureau of Fire, Department of Public Safety.

Which were severally read and referred to the Committee on Finance.

MR. COHEN moved to suspend Rule 8 by providing for consideration of the bills only until or after the 8th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

Also,

No. 863

Resolution authorizing the issuance of a warrant in the amount of $12,270.00 in favor of Karis Contracting, 3215 West Carson Street, Pittsburgh, PA 15204, in payment of contract for demolition and removal of a 3 story brick commercial and apartment building and 1 store garage located at 2022 Fifth Avenue, Ward 4, without previous authority of law and providing for the payment thereof.

Which was read and referred to the Committee on Finance.

Also,

No. 864

An Ordinance supplementing the Pittsburgh Code, Title Six-Conduct, Article 1--Regulated Rights and Actions, by adding a New Chapter 621--Regulation of Pay Telephones for Public Safety Purposes.---(SPONSORED BY MR. COHEN)

Which was read and referred to the Committee on Public Safety.

MR. COHEN FOR MR. CUSICK PRESENTED

No. 865

Resolution providing for a Contract or Contracts or use of existing Contracts and/or Agreement or Agreements, or use of existing Agreements for the Rehabilitation of Various Public Safety Facilities; and providing for the payment of the cost thereof. At a cost not to exceed $115,000.00, chargeable to and payable from Code Account EC94-243, 3-13-80-1964-94, Index Code #871988.

Also,

No. 866

Resolution providing for a Contract or Contracts, or use of existing Contracts and/or Agreement or Agreements, or use of existing Agreements for the Renovation of Recreation Centers and Senior Citizens Centers; providing for the purchase of equipment and materials for said Centers; and providing for the payment of the costs thereof. At a cost not to exceed $300,000.00, chargeable to and payable from CDEC 94-111, Index Code #613059.

Also,

No. 867

Resolution providing for a Contract or Contracts, or use of existing Contracts, for the Renovation and Repair of Ornamental Fences at various locations within the City of Pittsburgh; and providing for the payment of the cost thereof. At a cost not to exceed $175,000.00, chargeable to and payable from Code Accounts EC94-462, Index Code #871848, EC94-1124, Index Code #871863.

Also,

No. 868

Resolution providing for a Contract or Contracts, or use of existing Contracts and/or an Agreement or Agreements, or use of existing Agreements for the Rehabilitation of various landscape and turfed areas; and providing for the payment of the cost thereof. At a cost not to exceed $150,000.00, chargeable to and payable from EC94-114, Index Code #871566.

Which were severally read and referred to the Committee on Engineering and Construction.

The Chair:

Councilman O'Connor, Committee on General Services.

Mr. O'Connor:

Mr. President.

The Chair:

Thank you, Mr. O'Connor. Thank you for a great boat ride, also.

MR. O'CONNOR PRESENTED

No. 869

Resolution authorizing the issuance of a warrant in favor of Geyer Printing Company in the amount of Twenty-two Thousand One Hundred

Eighty-five dollars ($22,185.00) in payment for services in connection with the printing of the Department's Summer Magazine for the benefit of the City without previous authority of law, and providing for the payment thereof.

Which was read and referred to the Committee on Finance.

Also,

No. 870

Resolution providing for an Agreement or Agreements with Burns Computer Service for the purpose of providing professional services for the 1994 services for the 1994 Great Race/Finish Line for the Department of Parks and Recreation. The total cost shall not exceed $24,400.00, and shall be chargeable to and payable from Code Account SPP, Special Parks Programs Trust Fund, Index Code (254359), in the Department of Parks and Recreation.

Which was read and referred to the Committee on Parks and Recreation.

MR. ONORATO PRESENTED

No. 871

Resolution transferring a total amount of $4,430,000.00 from Code Account 1, Index Code 000109, Interest on Bonds; Code Account 44-9, Index Code 004499, Workers Comp Medical Fund; Code Account 55, Index Code 005504, Policemen's Relief & Pension Fund; Code 1043, Index Code 104307, Miscellaneous Services; Code Account 45, Index Code 004507, Health Insurance Municipal Employees; to Code Account 2, Index Code 00208, Sinking Fund Bond Maturities.

MR. ONORATO moved to suspend Rule 8 by providing for consideration of the bill only until or after the 8th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

MR. COHEN seconded the motion.

Which motion prevailed.

Also,

No. 872

Resolution providing for the issuance of a $1,000.00 warrant in favor of Geoffrey Block in settlement of claim for automobile damage, charging same to Code Account No. 46, Judgments.

Also,

No. 873

Resolution providing for the issuance of a $1,000.00 warrant in favor of Anindya Basu in settlement of claim for automobile damage, charging same to Code Account No. 46, Judgments.

Also,

No. 874

Resolution providing for the issuance of a $2,519.36 warrant in favor of Edwin Salinetro for automobile damage, Wage loss and uncovered medicals, charge to Code Account No. 46, Judgments.

Also,

No. 875

Resolution amending Resolution No. 492, Item C, approved July 8, 1994, which repealed Res. No. 861, Item F, approved July 13, 1993, which authorized the sale of a vacant lot, 2143 Boustead Street, 19th Ward, Block 35-N, Lot 206, for the sum of $650.00.---COUNCIL DISTRICT NO. 4.

Also,

No. 876

Resolution providing for conveyance by the City of Pittsburgh of certain property, under Act No. 171 of 1984, entitled, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984.

Also,

No. 877

Resolution providing for conveyance by the City of Pittsburgh of certain property, under Act No. 171 of 1984, entitled, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984.

Also,

No. 878

Resolution authorizing the sale of City of Pittsburgh owned property in the 8th Ward designated as Block 49-S, part of Lots 377 and 379, to Stanley A. Frankowski for the sum of $1,750.00.

Also,

No. 879

Resolution providing for the filing of a petition or petitions for the sale of certain property or properties acquired at tax sales in accordance with Act No. 171 of 1984, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984.

Which were severally read and referred to the Committee on Finance.

MR. RICCIARDI PRESENTED

No. 880

Resolution transferring $50,000.00 from Code Account 1687, Index Code 168708, to Code Account 1660-1, Index Code 166017, Bureau of Environmental Services, Department of Public Works, and transferring $50,000.00 from Code Account 1687, Index Code 168708, Bureau of Environmental Services, Department of Public Works to Code Account 1700-1, Index Code 170019, Bureau of Parks Maintenance, Department of Public Works.

Also,

No. 881

Resolution transferring Sixty-Four Thousand Dollars ($64,000.00) from Code Account 1043, Index Code 104307, Bureau of City Information, Mayor's Office, to Code Account 1501, Index Code 150102, Bureau of Administration, Department of Public Works, and transferring Sixteen Thousand Dollars ($16,000.00) from Code Account 1687, Salaries, Regular Employees, Index Code 168708, Bureau of Environmental Services, Department of Public Works, to Code Account 1501, Premium Pay, Index Code 150102, Bureau of Administration, Department of Public Works.

Which were severally read and referred to the Committee on Finance.

MR. RICCIARDI moved to suspend Rule 8 by providing for consideration of the bills only until or after the 8th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

MR. SMITH seconded the motion.

Which motion prevailed.

Also,

No. 882

Resolution further amending Resolution No. 1423, effective December 31, 1993, as amended by Resolution No. 481, effective June 23, 1987, as amended by Resolution No. 558, effective June 5, 1990, entitled "Authorizing the Department of Public Works to sell reclaimed asphalt, presently stored at Heth Run (located at the rear of the Zoo parking lot). Permission is requested to sell to the general public by the ton. All monies collected are to be deposited into the Asphalt Reimbursement Trust Fund, Index Code 250100," by decreasing the cost of the asphalt.

Also,

No. 883

Resolution providing for a Contract or Contracts, or the use of existing Contracts, for concrete replacement at various locations throughout the City of Pittsburgh, at a cost not to exceed Seven Hundred Thousand ($700,000.00) Dollars.

MR. SMITH PRESENTED

No. 884

Resolution renewing Resolution No. 152, approved by City Council and effective on March 5, 1993 and Resolution No. 35, approved by City Council and effective on February 3, 1994 authorizing Western Manor, Inc., to convert an existing five-story structure located at the rear of 2851 Bedford Avenue and identified as Building "D" into 39n units of housing for the elderly and one for a resident manager, a community clinic, and a senior citizens center, with parking to accommodate 24 automobiles, on property zoned "R4" Multiple-Family Residence District, 5th Ward.---(SPONSORED BY MR. SMITH)

MR. SMITH moved to suspend Rule 8 by providing for consideration of the bill only until or after the 8th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

The Chair:

Councilman Smith, last week when you asked me to procedurally recess this meeting, you had mentioned the Centre City project. Did you mean the Western Manor?

Mr. Smith:

Yes. It actually has three names. One, it is Milliones Manor, as the name of the building, Centre City, as the legal entity, and Western Restoration is the owner of the three entities.

The Chair:

I misinformed Council. I thought you meant the proposed project on Grant Street.

Mr. Smith:

No, sir.

The Chair:

You're talking about Western Manor. No problem.

Also,

No. 885

An Ordinance amending the Pittsburgh Code, Title Nine, Zoning, by creating a stormwater management regulatory district under Chapter 986 "Environmentally Sensitive Land Regulations" in accordance with watershed management plans adopted by the County of Allegheny and approved by the Pennsylvania Department of Environmental Resources as required by the Pennsylvania Stormwater Management Act (Act 167 of 1978) and secondly by defining and regulating that portion of the "Girty's Run Watershed" located in the 26th Ward of the City of Pittsburgh which is approximately 65 acres between Ivory Avenue and Ross Township---COUNCIL DISTRICT NO. 1.

Also,

No. 886

Resolution amending Resolution No. 346, effective May 7, 1993, entitled, "Resolution providing for an Agreement or Agreement with Fencing for Fun for operational and/or administrative expenses, including purchase of equipment or materials, for the benefit of low-moderate income residents of the City of Pittsburgh, at a cost not to exceed $4,000,00, so as to change the name of the recipient organization to "Urban League".

Also,

No. 887

Resolution amending Resolution No. 519, effective May 30, 1991, as amended by Resolution No. 1104, effective November 29, 1991, entitled "Resolution providing for an Agreement or Agreements with Arlington Heights Residents Council for administrative/operating support in an amount not to exceed $6,111.00", so as to decrease the amount appropriated from $6,111.00 to $2,207.98.

Also,

No. 888

Resolution amending Nos. 507, 706, 956, 1148 and Resolution No. 1221 of 1991, Resolution Nos. 211, 524, 720, and 929 of 1992 and

Resolution No. 707 of 1993 entitled "Providing for the filing of a Community Development statement by the City of Pittsburgh with the U.S. Department of Housing and Urban Development for a grant in connection with the 1991 Community Development Block Grant Program, so as to reduce line item in City Council and create a new line item in City Council.

Also,

No. 889

Resolution amending Resolution No. 287, effective March 30, 1992, entitled "Resolution providing for an Agreement or Agreements with various community organizations for operational/administrative expenses, maintenance, purchase of equipment; and/or minor rehabilitation of neighborhood facilities for the benefit of residents of the City of Pittsburgh, at a cost not to exceed $119,580.00, chargeable to and payable from Code Account 1103 (110304) Miscellaneous Services, Department of City Planning" so as to reduce funding for one agency and add a new agency to those funded.

Also,

No. 890

Resolution providing for an Agreement or Agreements with YMCA - Arlington Heights Outreach Program for operational support of the agency at a cost not to exceed $3,903.02, chargeable to and payable from the 1991 Community Development Block Grant Program "City Council", Project No. 4-40-05-5146-91-969-91-35, Index No. 608604.

Also,

No. 891

Resolution providing for the acceptance by the City of Pittsburgh from the Urban Redevelopment Authority of Pittsburgh of certain property located in the First Ward of the City of Pittsburgh for use by the City in Conjunction with the Municipal Courts Building.

Also,

No. 892

Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire all of the City's right, title and interest, if any, in and to the Publicly-Owned property in the 2nd Ward of the City of Pittsburgh designated in the Deed Registry Office of Allegheny County, as Block 9-H, part of Lots 171 and 173, under the Residential Land Reserve Fund.

Also,

No. 893

Resolution approving execution of a Contract or Disposition by sale of Land by and between the Urban Redevelopment Authority of Pittsburgh and Priscilla O. Bailey for the sale of Block 9-H, part of Lots 171 and 173 in the 2nd Ward of the City of Pittsburgh (Sideyard).

Also,

No. 894

Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire all of the City's right, title and interest, if any, in and to Publicly-Owned property in the 2nd Ward of the City of Pittsburgh designated in the Deed Registry Office of Allegheny County as Block 9-H, part of Lot 170, and Block 9-M, part of Lot 86, under the Residential Land Reserve Fund.

Also,

No. 895

Resolution approving execution of a Contract for Disposition by sale of Land by and between the Urban Redevelopment Authority of Pittsburgh and Leroy and Gwendolyn D. Dillard for the sale of Block 9-H, part of Lot 170, and Block 9-M, part of Lot 86, in the 2nd Ward of the City of Pittsburgh (Residential Construction).

Also,

No. 896

Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire that property in the Twenty-First Ward of the City of Pittsburgh owned by Commonwealth of Pennsylvania, Department of Transportation

and designated as Block 7B, Lots 172, 173, 174, 175, 176, 177 and 178 in the Deed Registry Office of Allegheny County, under the Residential Land Reserve Fund.

Also,

No. 897

Resolution approving execution of a Contract for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and Manchester Supportive Housing, Inc., for the sale of Block 7B, Lots 172, 173, 174, 175, 176, 177, 178 and 179 in the Twenty-First Ward of the City of Pittsburgh (Residential Construction).

Also,

No. 898

Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire all the City's right, title and interest, if any, in and to forty-six (46) publicly-owned properties, and to incur all necessary and incidental expenses in connection with said acquisition. These properties are located in the 3rd, 5th, 11th, 13th, 21st, 22nd, 23rd and 25th Wards of the City of Pittsburgh.

Also,

No. 899

Resolution approving execution of a Contract for Disposition by Sale of Land by and between the Urban Redevelopment Authority of Pittsburgh and Glen Hazel Citizens Association for the sale of Block and Lot 56-P-184, in the 15th Ward of the City of Pittsburgh. The property will be sold for $3,500.00 plus costs. (Residential Rehabilitation)

Also,

No. 900

Resolution approving execution of a Contract for Disposition by Sale of Land by and between the Urban Redevelopment Authority of Pittsburgh and Manchester Citizens Corporation for the sale of Block and Lot 22-L-242, in the 21st Ward of the City of Pittsburgh. The property will be sold for $2,100.00 plus costs. (Residential Rehabilitation).

Also,

No. 901

Resolution approving execution of a Contract for Disposition of by Sale of Land by and between the Urban Redevelopment Authority of Pittsburgh and Leeda C. Schultz for the sale of Block and Lot 14-C-253, in the 18th Ward of the City of Pittsburgh. Price purchase of $500.00. (Sideyard).

Also,

No. 902

Resolution approving execution of a Contract for Disposition by Sale of Land by and between the Urban Redevelopment Authority of Pittsburgh and Kerotest Manufacturing, Corp. for the sale of Parcels 1, 2, 3 and 4 in the Fifteen Ward of the City of Pittsburgh in a portion of Redevelopment Area No. 40. The purchase price for the land is $125,000.00. (Manufacturing and Office Building).

Which were severally read and referred to the Committee on Planning, Housing & Development.

THE CHAIR PRESENTS

No. 903

Resolution providing for the issuance of a warrant in favor of Walter H. Drane Company in the amount of $10,735.00 for professional services in connection with the preparation, printing and delivery of supplements to the Pittsburgh Code.--- (SPONSORED BY MR. FERLO)

Which was read and referred to the Committee on Finance.

Also,

No. 904

Resolution authorizing the Mayor and the Director of the Department of Parks and Recreation to change the name of the East Liberty

Park to the Duane A. Darkins Park.---(SPONSORED BY MR. FERLO)

Which was read and referred to the Committee on Parks and Recreation.

Also,

No. 905

An Ordinance amending the Pittsburgh Code of Ordinance, Title Six, "Conduct" Article I, Regulated Rights and Actions", Chapter 611, "Alarms", Section 611.01 "Definitions", Section 611.04 "Repeated False Alarms", Section 611.07, "False Alarm Penalty" by changing the definition of a "false alarm" and repeated false alarms" by changing the fees established for false alarms and by adding an additional group of exempt institutions.---(SPONSORED BY MR. FERLO & MR. ONORATO)

Which was read and referred to the Committee on Public Safety.

Also,

No. 906

Communication from Mulugetta Birru, Executive Director, Urban Redevelopment Authority submitting the "Position and Salary Report" consisting of names, positions and salaries of all full-time, temporary and part-time employees of said Authority as of June 30, 1994.

Also,

No. 907

Communication from Linda M. Johnson-Wasler, City Clerk, submitting the Second Quarterly travel reports for 1994 from various City Departments.

The Chair:

We need a motion to receive and file on the last two bills that were read.

Mr. Smith:

So moved.

MR. HERTZBERG seconded the motion.

The Chair:

Moved and seconded. All in favor?

WHICH MOTION PREVAILED.

The Chair:

I would call to Council's attention a petition, which we received, I will forward it to all of you, from residents in the East Liberty community and Liberty Park, a particular area, asking and requesting that this Council consider the renaming of Liberty Park after our colleague, Councilman Duane Adrian Darkins, and I have introduced that resolution on behalf of those residents, and that bill will come up next week for discussion.

Also, the community is hard at work working with the Parks Department and Engineering and Construction, Representative Joe Preston and others for a long overdue renovation and improvement to that park area along Larimer Avenue. So, I think it is only fitting and proper, and this bill will come up next week.

At this time I would like to move to Reports of Committees. Calling on Councilman Onorato.

REPORTS OF COMMITTEES

MR. ONORATO PRESENTED

Bill No. 908

Report of the Committee on Finance for July 20, 1994 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 779

A Resolution entitled, "Resolution providing for the issuance of a $914.87 warrant in favor of Daniel Mathews, settlement of claim for automobile damage incurred when a City refuse truck struck a parked car as he was backing up on

Lorenz Avenue on January 12, 1994, chargeable to and payable from Code Account No. 46, Judgments."

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

The bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen Mr. Ricciardi
Mr. Hertzberg Mr. Smith
Mr. O'Connor Mr. Ferlo
Mr. Onorato (Pres't)

AYES 7 NOES none

And there being two-thirds of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 780

A Resolution entitled, "Resolution providing for the issuance of a warrant in the sum of $25,000.00 to Gail Monroe, Administratrix of the Estate of Minor, Michael Coleman, Jr., deceased c/o J. Kerrington Lewis, Esquire, 1040 Fifth Avenue, Pittsburgh, PA 15219 in full and final settlement of an alleged accident at a City Swimming Pool which is part of a Recreational complex known as Broadhead-Fording Park in the City of Pittsburgh on or about July 5, 1990."

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

The bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen Mr. Onorato
Mr. Hertzberg Mr. Smith
Mr. O'Connor Mr. Ferlo
(Pres't)

AYES 6 NOES 1

(MR. RICCIARDI VOTING NO)

And there being two-thirds of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 781 "Resolution authorizing and directing issuance of a series of General Obligation Bonds, Series of 1994A, in the aggregate principal amount of Thirty-Seven Million Dollars ($37,000,000 pursuant to the Act of the General Assembly of the Commonwealth of Pennsylvania."

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Councilman, we need a recommittal on Bill 781 on the bond issue, so that the Administration can let us know what the --

Mr. Onorato:

So moved.

MR. RICCIARDI seconded the motion.

The Chair:

It has been moved and seconded. Other discussion on recommittal of 781? I think

their intention is to recommit it, hold it tomorrow and go out next week on the actual bond.

Other comments? Councilman Smith? This is on the recommittal of 781.

Mr. Smith:

On the recommittal, I will support it because I have several major issues that I believe we need to address in the future.

The Chair:

All in favor of the recommittal of 781?

WHICH MOTION PREVAILED.

Also,

Bill No. 782 A Resolution entitled, "Resolution providing for the lease or leases of certain property on the first floor of 908-910 Penn Avenue from July 1, 1994 for a term of 36 months, at a rental of $2,630.83 per month to house classroom and office space for the Joint Jobs Initiative Single Point of Contact (SPOC) Program upon certain terms and conditions, and providing for the payment of the cost thereof.

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

The bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen Mr. Ricciardi
Mr. Hertzberg Mr. Smith
Mr. O'Connor Mr. Ferlo
Mr. Onorato (Pres't)

AYES 7 NOES none

The bill having received the legally required number of votes passed finally.

Also,

Bill No. 783 A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of the Akzo Company, in the amount of Thirty-Six Thousand Eight Hundred Ninety-Nine Dollars and Twenty-Six Cents ($36,899.26) for the emergency purchase of salt."

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

The bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen Mr. Ricciardi
Mr. Hertzberg Mr. Smith
Mr. O'Connor Mr. Ferlo
Mr. Onorato (Pres't)

AYES 7 NOES none

And there being two-thirds of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 795

A Resolution entitled, "Resolution providing for Joinder by the City of Pittsburgh in a Petition to the Court of Common Pleas, Orphans' Court Division, to Add a New Class of Trustees to the Board of Trustees of the Carnegie Library of Pittsburgh."

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Mr. Onorato.

Mr. Onorato:

Bill 795, Mr. President, we talked about this at last Wednesday's meeting, I have an amendment here, it should be in front of everyone. If you look at the third page of the resolution, the original wording reads: "In order to permit representation on the board from areas beyond the City of Pittsburgh," the Law Department sent up the appropriate language, and the language will be changed to read: "to permit representation on the board from the City of Pittsburgh and beyond the City of Pittsburgh," so it will include the City of Pittsburgh. So, I have a motion to amend and it is in front of us.

MR. SMITH seconded the motion.

The Chair:

It has been moved and seconded. All in favor of the amendment?

WHICH MOTION PREVAILED.

The bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen Mr. Ricciardi
Mr. Hertzberg Mr. Smith
Mr. O'Connor Mr. Ferlo
Mr. Onorato (Pres't)

AYES 7 NOES none

The bill having received the legally required number of votes passed finally.

MR. RICCIARDI PRESENTED

Bill No. 909

Report of the Committee on Public Works for July 20, 1994 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 800

A Resolution entitled, "Resolution granting unto Daniel & Jane O. Quinn, 6301 Quinn Drive, Pittsburgh, Pennsylvania, 15217, their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, a portion of a house and fence in the right-of-way of Quinn Drive in the 14th Ward, of the City of Pittsburgh---(COUNCIL DISTRICT NO. 5)."

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Hearing none, the bill is now ready for final action. All in favor of the passage of he bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen Mr. Ricciardi
Mr. Hertzberg Mr. Smith
Mr. O'Connor Mr. Ferlo
Mr. Onorato (Pres't)

AYES 7 NOES none

The bill having received the legally required number of votes passed finally.

MR. SMITH PRESENTED

Bill No. 910

Report of the Committee on Planning, Housing & Development for July 20, 1994 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 763

A Resolution entitled, "Resolution providing for an Agreement or Agreements with a consultant or consultants for the purpose of providing architectural and design services, consumer surveys and market studies, promotional activities, commercial revitalization planning assistance, and business district management in various neighborhood business districts as part of the City's Neighborhood Business District Revitalization Program, at a cost not to exceed $132,500.00."

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

I would just like to thank Mayor Murphy and Director Hirsh for their commitment to continue to support with funding the activities of the Lawrenceville Business Association.

Other comments? Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen Mr. Ricciardi
Mr. Hertzberg Mr. Smith
Mr. O'Connor Mr. Ferlo
Mr. Onorato (Pres't)

AYES 7 NOES none

The bill having received the legally required number of votes passed finally.

MR. O'CONNOR PRESENTED

Bill No. 911

Report of the Committee on General Services for July 20, 1994 transmitting two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 777

A Resolution entitled, "Resolution providing for the letting, during the calendar year 1995, of contract and for the use of existing contracts, for the maintenance rental, rehabilitation, renovation, inspection or servicing of personal property, and also for bonding, insurance, printing and other related services, and for the maintenance and repair of building structures or any other properties in the custody of the various departments of the City of Pittsburgh, and providing for the payment of the costs thereof."

Which was read.

Also,

Bill No. 778

A Resolution entitled, "Resolution providing for the letting of contracts and the use of existing contracts for the purchasing of materials, general supplies and equipment by various departments of the City of Pittsburgh, during the calendar year 1995, and providing for the payment of the costs thereof."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

And, I do want to thank Director Miskovich for supplying ample information.

The bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen Mr. Ricciardi
Mr. Hertzberg Mr. Smith
Mr. O'Connor Mr. Ferlo
Mr. Onorato (Pres't)

AYES 7 NOES none

The bills having received the legally required number of votes are passed finally.

MR. COHEN FOR MR. CUSICK PRESENTED

Bill No. 912

Report of the Committee on Engineering and Construction for July 20, 1994 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 774

A Resolution entitled, "Resolution providing for a Contract or Contracts, or use of existing Contracts for Rehabilitation of the Mellon Park Wall; and providing for the payment of the cost thereof, at a cost of $25,000.00 or less, but not more than $50,000.00, chargeable to and payable from Code Account EC 93-106, 3-13-60-1236-93, Index Code #870600."

Which was read.

Also,

Bill No. 775

Resolution entitled, "Resolution providing for a Contract or Contracts, or use of existing Contracts, and/or Agreement or Agreements, or use of existing Agreements, and providing for the purchase of equipment and materials in connection with the Rehabilitation of Existing Play Areas in CD areas; and providing for the payment of the costs thereof, at a cost not to exceed $148,000.00, chargeable to and payable from Code Account CDEG 94-369, 4-13-72-0001-94-407-94-13."

Which was read.

Also,

Bill No. 776

A Resolution entitled, "Resolution providing for a Contract or Contract, or use of existing Contracts and/or an Agreement or Agreements, or use of existing Agreements, for the purchase of equipment and materials in connection with the Renovation of City-Council Chambers and providing for the payment of the cost thereof, at a cost range of $10,000.00, or more, but less than $25,000.00 chargeable to and payable from Code Account EC94-472, 3-13-92-2093-94, Index Code No. 871921."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Councilman Cohen.

Mr. Cohen:

Thank you, Mr. President. I would just like to have my comments brought forward on all three of those bills, please.

(REMARKS -- SEE ADDENDUM)

The Chair:

Thank you, Mr. Cohen. I would like my comments brought forward on the expenditure of the last bill.

(REMARKS -- SEE ADDENDUM)

The Chair:

Other comments?

Mr. O'Connor:

I would like my comments brought forward on that bill. Thank you.

(REMARKS -- SEE ADDENDUM)

The Chair:

Thank you, Mr. O'Connor.

Hearing no other discussion, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen Mr. Ricciardi
Mr. Hertzberg Mr. Smith
Mr. O'Connor Mr. Ferlo
Mr. Onorato (Pres't)

AYES 7 NOES none

The bills having received the legally required number of votes are passed finally.

The Chair:

That concludes our Reports of Committees. Moving to Motions and Resolutions.

MOTIONS AND RESOLUTIONS

THE CHAIR PRESENTS

No. 913

Resolution reappointing Barbara Burstin, 1435 Bennington Avenue, Pittsburgh, PA 15217, as a Member of the City of Pittsburgh's Human Relations Commission, for a term to expire July 1, 1998.

Which was read.

Also,

No. 914

Resolution reappointing C. Lu Conser, 834 Beech Avenue, Pittsburgh, PA 15233, as a Member of the City of Pittsburgh's Human Relations Commission, for a term to expire July 1, 1998.

Which was read.

Also,

No. 915

Resolution appointing Sandra Glass, 6920 Apple Street, Pittsburgh, PA 15206, as a Member of the City of Pittsburgh's Human Relations Commission, for a term to expire July 1, 1998.

Which was read.

Also,

No. 916

Resolution appointing Barbara Jean Sampson, 5516 Rippey Place, Pittsburgh, PA 15206, as a Member of the City of Pittsburgh's Human Relations Commission, for a term to expire July 1, 1998.

Which was read.

Also,

No. 917

Resolution appointing Chuck Honse, 221 South Aiken Avenue, Pittsburgh, PA 15206, as a Member of the City of Pittsburgh's Human Relations Commission, for a term to expire July 1, 1998.

Which was read.

The Chair:

Two of these individuals have served and are being reappointed; however, there are new Council colleagues who have not necessarily been introduced or know of the work of the two that are being reappointed or considered for reappointment. The other three are new

appointments. What is the pleasure of the body as it relates to the five individuals being nominated?

Councilman Smith.

Mr. Smith:

Yes, Mr. President. I think that for myself, the benefit of myself and my fellow Council persons, I believe that we should block off some time and at least get an opportunity to meet and discuss or question these nominees.

The Chair:

So, the motion is to interview all five, based on scheduling.

Mr. Cohen.

Mr. Cohen:

Thanks, Mr. President.

I think there is also a process issue here, and that is that the Chair, the current Chair, I know, has been -- has a number of cases before him that he is hearing, in terms of public hearings, and I think we need to have a discussion as to make sure that there is continuity there, that if somebody who has not been reappointed, like the Chair, is administering cases right now, then those should at least be completed prior to the new people coming on. I understand that there is one case that has involved over a year's worth of work, and that would put them back a long time.

So, all I am saying is that we need to raise that issue with the Administration, so that there is not a loss of continuity over those cases. I do not know whether we can bring that up when these people come up or have an informal dialogue with the Administration.

The Chair:

No, I think it is appropriate to ask the Director some of the procedures --

Mr. Cohen:

Why don't we do that at a Wednesday meeting?

The Chair:

Well, based on Mr. Onorato's scheduling on the Finance Meeting, we will try to bring some in tomorrow or possibly next Wednesday, and we would also ask that Ms. Harris be here, as the Director, to answer any procedural questions that some of our colleagues may have, but we will leave the scheduling to the Clerk and to Mr. Onorato.

MR. ONORATO seconded the motion.

The Chair:

Any other comments? All in favor of this process, then, aye? Opposed?

WHICH MOTION PREVAILED.

The Chair:

Other matters?

I have one thing real briefly. I am going to ask for a televised post agenda meeting next Wednesday, August 3rd, immediately following the City Council agenda. The specific post agenda is on the need for an expanded and coordinated Witness Protection Program to stem the tide of failed prosecutions, due to the lack of protection, for the safety and well-being of witnesses.

We have, and I think all of us would have to admit, a climate of fear, if not, a climate of terror, as it exists in many of our neighborhoods, not only within the public housing community but many of the neighborhoods that I represent. What we have, unfortunately, is what I would characterize as a horrifying pattern of -- is developing.

We have had five cases in a row where the Deputy Coroner at the Inquest level has had to throw out the case, with known and/or individuals who have been apprehended and the police have reasonable evidence and expectation that these are the guilty parties, only for those cases to be thrown out at the Inquest level. I think there were two others in addition to the rash of five in a row.

I think this is completely unacceptable; if those individuals had committed White Collar Crime or

were involved in some Federal offense, they would be provided an opportunity with the Federal Witness Protection Program; if they were Mafia or Cosa Nostra individuals, there would be the intervention of the F.B.I., the U.S. Attorney would have to get out of the building down on Grant Street, and a lot of other activities would kick into play, none of this is happening to my knowledge.

I would like to respectfully ask that we have a post agenda. I think we need to have Chief Buford here, obviously, and representatives of the Mayor's Office. I would ask that Mr. Kroner be in attendance, from the County Police, who has experienced the problem at that level. I would ask that our U.S. Attorney attend, also; the County District Attorney, Mr. Colville, representatives of the State Police, and I would like to ask Mr. Gilkes, who is the Deputy Coroner, who sits on these Inquests, as well as our Chief Magistrate, Mr. Machen, to attend the hearing.

Again, I do not want to overstate what is happening, but the fact of the matter is, it is downright scary. I do not think that we have the resources locally to do the right job, if we do, apparently they haven't been deployed.

The tragedy of the individual this past weekend who was killed needs to be a wake-up call to everybody at the municipal government level. This is not an easy problem to solve, but the fact of the matter is, at least at the Federal level, the protection program has had success, they do have resources that could come into play. I do not know if that is the answer, I do not know legally under the Federal Statutes if these cases can be kicked in, as I've stood in much publicized previous Press Conferences to proclaim.

The fact of the matter is, the situation that is happening in our City is unacceptable, it is scary and maybe some of us don't live in the neighborhoods that are experiencing this, but the fact of the matter is, it is an alarming trend that has happened, and what is going to happen is this City is going to be gripped with that kind of fear; especially at the neighborhood level, people are more and more not going to want to appear at the Inquest, only to sign their own death warrant.

It is unacceptable, I think it should have the involvement of the F.B.I. and the U.S. Attorneys Office. I think State Legislators need to pass legislation providing us with some resources. Again, by way of example, I think the Pittsburgh Police made their best effort to assist the young woman with relocation but, quite frankly, they don't have the money to help with deposit and utilities and other practical realities involving the relocation of an individual. It is true, maybe, that someone can relocate from the North Side to Hazelwood or from East Hills to Broadhead and be lost, but I don't know if it is the case.

And, I think we need to give a lot of thought and see what kinds of resources this Council can come up with to deal with the problem. But, the way it is happening right now, I do not see where there is the intervention or the kind of response. I think it is unacceptable. I do not know how my colleagues feel about this issue, but I think it needs Council to intervene and to articulate the concern that I think is on the minds of many of our residents.

As far as I am concerned it is completely unacceptable, it is a double standard on the part of the Feds and I -- again, I know I have been criticized in the past for showing pictures of gang members, I continue to indicate that I did nothing wrong, I showed the faces of black and white gang members and individuals who have multiple arrests for various criminal activities, including multiple weapons violations.

I do not want this post agenda to be a grandstand on the issue, I want this to be some discussion about who can pitch in and do what. I think the Feds need to do more, obviously, but if we have some resources locally, I think we need to talk about what we need to do.

So that post agenda is Wednesday, August 3rd, immediately following the Council agenda, and I would ask the Clerk's Office to notify these individuals. If my colleagues have any specific names of individuals you feel it would be appropriate to invite to the meeting, if you could please let the Clerk's Office know.

Any other comments or discussion? Mr. Hertzberg.

Mr. Hertzberg:

I think the Federal program is actually run out of the Corrections Department there, so we may want to invite someone from the U.S. – I think it is U.S. Bureau of Prisons, actually.

The Chair:

Any other discussion?

We need a motion to excuse the absent member.

Mr. Onorato:

So moved.

MR. COHEN seconded the motion.

WHICH MOTION PREVAILED.

The Chair:

We need a motion to approve the minutes.

MR. ONORATO moved to approve the Minutes of Tuesday, July 19, 1994.

MR. COHEN seconded the motion.

Which motion prevailed.

The Chair:

And, Mr. Smith, do you want to make a motion to recess this meeting?

Mr. Smith:

Yes, so that we can reconvene after the Standing Committees tomorrow.

And, I would like to thank my colleagues for their support in rectifying a problem that has come up in my district.

The Chair:

Again, we are recessing this meeting only to meet immediately following the Standing Committees Meeting tomorrow, specifically and only for the purpose at that time of voting on the Conditional Use for Western Manor, so that we don't lose the six month deadline.

Any other discussion on this motion? If not, all in favor of the motion to recess?

And on the motion of MR. SMITH

Council recessed.

Pittsburgh, PA
Wednesday, July 27, 1994

And the hour of recess having expired, Council reconvened.

The Chair:

I would like to bring the Recessed Legislative Meeting to order. We are exclusively meeting in recess from the earlier Legislative Session of yesterday.

I would dispense with the reading of the roll, as it is a recessed meeting, and I would like to ask the City. Clerk to read three bills for our consideration and action, two of them being bills approving the appointment of Mr. Chuck Honse and Police Officer Sandra Glass, for the Human Relations Commission, and then also read a report from Mr. Smith's Committee on Planning, Housing & Development on the Western Manor Conditional Use Application.

UNFINISHED BUSINESS

THE CHAIR PRESENTS

No. 915

Resolution appointing Sandra Glass, 6920 Apple Street, Pittsburgh, PA 15206, as a Member of the City of Pittsburgh's Human Relations Commission, for a term to expire July 1, 1998.

Which was read.

Also,

No. 917

Resolution appointing Chuck Honse, 221 South Aiken Avenue, Pittsburgh, PA 15206, as a Member of the City of Pittsburgh's Human Relations Commission, for a term to expire July 1, 1998.

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen Mr. Onorato
Mr. Cusick Mr. Smith
Mr. O'Connor Mr. Ferlo
(Pres't)

AYES 6 NOES none

The bills having received the legally required number of votes are passed finally.

REPORTS OF COMMITTEES

MR. SMITH PRESENTED

Bill No. 918

Report of the Committee on Planning, Housing & Development for July 27, 1994 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 884

A Resolution entitled, "Resolution renewing Resolution No. 152, approved by City Council and effective on March 5, 1993 and Resolution No. 35, approved by City Council and effective on February 3, 1994, authorizing Western Manor, Inc., to convert an existing five-story structure located at the rear of 2851 Bedford Avenue and identified as Building "D", into 39 units of housing for the elderly and one for a resident manager, a community clinic, and a senior citizens center, with parking to accommodate 24 automobiles, on property zoned "R4" Multiple-Family Residence District, 5th Ward."---(SPONSORED BY MR. SMITH)

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen Mr. Onorato
Mr. Cusick Mr. Smith
Mr. O'Connor Mr. Ferlo
(Pres't)

AYES 6 NOES none

The bill having received the legally required number of votes passed finally.

The Chair:

Any other matter to bring before the body; we do have a public hearing immediately following this Legislative Session?

And on the motion of Mr. Smith

Council adjourned.

(BEGINNING - MR. COHEN'S COMMENTS ON BILL NO. 774, WEDNESDAY, JULY 20, 1994)

Mr. Cohen:

I want to commend Mr. Reginella. I put this in the capital budget last year for a reconstruction of the wall. This is the wall along Fifth Avenue in front of Mellon Park and I want to thank the Director for going ahead with it. Actually, part of the wall has already been completed and at this time last it's a beautiful wall that is about two and one-half, three feet high along Fifth Avenue there and there's so much traffic that goes by. Part of it was completed last year, I believe it was the end of last year and I think it looks very nice, the contractor did a good job and I believe Director that this would be for the remainder of that wall.

Mr. Reginella:

That's right.

Mr. Cohen:

I think it's a good project for the City. Mellon Park is just a terrific park and in fact really hundreds of people are going there every Sunday in the month of July for a program called "Bach, Beethoven and Brunch" which Citiparks also sponsors so hopefully by the time -- by the end of the month or certainly when they do it next year this wall will be completed and I appreciate you moving ahead on it.

Mr. Reginella:

We intend to begin in the Fall some time and possibly and for that matter it may be completed this year.

Mr. Cohen:

Thank you. And it does retain the brick character of the wall.

Mr. Reginella:

That's correct, we're restoring it in-kind.

Mr. Cohen: Thank you.

(END OF COMMENTS)
PREPARED BY: MARY ANNE HRUSKA
STENOTYPE REPORTER

Mr. Kraszewski:

I will.

Mr. Cohen:

This is not directed at you at all because I think you're doing a terrific job but on this issue though this Council passed playground safety legislation on August 20, 1993 and that called for an audit and inspection of all play areas and pieces of play equipment within six months of that date and then a comprehensive safety program within a year of that date. Now I realize of course there was a change of administrations and that takes some type to get up to speed but we really are 11 months behind now what the legislation calls for and I do recall the Deputy Mayor being here at a committee meeting just like this on February 16th saying we'll hire the consultant today. I had gotten back to the Mayor's Office two days later on February 18th outlying the scope of work and who I recommended as the trainer and it's now five months that it's taken. I won't look back as to why it took that long, I'm upset that it did take that long but what you're telling me today is that the contract has been signed, the woman will be here very soon to train our employees to be able to go out and inspect every piece of equipment which I appreciate. Obviously the reason behind this is there are play areas in the City Of Pittsburgh that still are not safe and some of our play equipment -- not the majority but there is still some of our play equipment are accidents waiting to happen and the first step is we have to have an inspection of every piece of equipment so that you then can have a program for how to replace that equipment. I use that term very -- I focus on that term "replace or repair" rather than "remove" because the other aspect of this is to be able to make sure we have the money in the capital budget and we'll be able to discuss this again soon at budget time to be able to repair or replace this equipment and not remove it so if you can get to me a written schedule I would appreciate it and let me know the day the trainer arrives and I might even attend the training session myself.

Mr. Kraszewski:

I'd invite you to be there and I appreciate your leadership on this very important safety issue.

Mr. Cohen:

Thank you.

(END OF COMMENTS)
PREPARED BY: MARY ANNE HRUSKA
STENOTYPE REPORTER

(BEGINNING - MR. COHEN'S COMMENTS ON BILL NO. 775, WEDNESDAY, JULY 20, 1994)

Mr. Cohen:

Discussion. I certainly support the rehabilitation of these two play areas which is the Ammon Playground and the Grandview School Playground. It does bring up the issue of playground safety and Director Kraszewski, if you can come before Council too please.

I had written a letter to you Mr. Kraszewskiand cc'd it to Mr. Reginella and the Mayor's Office a couple weeks ago about what the status was of the Playground Safety Bill particularly the hiring of a trainer to be able to train your workers to go out and inspect all of the play areas and play equipment in the City of Pittsburgh. Can you give me a status report on that?

Mr. Kraszewski:

I received your letter and looked into the matter and the contract has been signed, I signed it three or four days ago and I'm sure everybody should be in receipt of it within a day or so and we're about a phone call away from talking to the contractor to get a start date for this and to get the ball rolling.

Mr. Cohen:

When do you think the training will begin and how long will it last?

Mr. Kraszewski:

If I recall the training is a shorter version of whole project and I will try to get it started within several weeks, I will make phone calls today and the whole project is a four month complete project.

Mr. Cohen:

To inspect every play area.

Mr. Kraszewski:

Yes, I will give you a report on that.

Mr. Cohen:

Would you do that? I'm upset about the whole response to this legislation which this Council passed. Not to you personally by any means but I think that now that we finally hired somebody to train workers to go out and inspect, we want to be able to do that in the good weather and if it's going to take three to four months, we have to start soon so they are not inspecting equipment in wintertime. So if you can provide a report on that I would appreciate it.

The Chair:

All in favor Opposed? The ayes have it.

(END OF COMMENTS)
PREPARED BY: MARY ANNE HRUSKA
STENOTYPE REPORTER

(BEGINNING - MESSRS. COHEN, AND FERLO COMMENTS ON BILL NO. 776, WEDNESDAY, JULY 20, 1994)

Mr. Cohen:

What is this $10,000.00 for?

The Chair:

Point of clarification from Councilman Ferlo.

Mr. Ferlo:

First of all just on the terms of this committee, the committee also includes Lucy Spruill from the Administration responsible for accessibility issues in public facilities as well, I wanted a member of the Historical Review Commission, the Art Commission and Preservation Pittsburgh to be on the committee. However, given the limited nature of the funds that is available for this capital bond year, the emphasis for the committee to look at is the issue of the accessibility in these Chambers. On many occasions I know I have been here probably the longest but it is a very uncomfortable situation for people who are in wheelchairs and/or blind or visually impaired to these chambers, particularly the podium before us during the public hearing process, the arrangements of the chairs here just presumes that somebody is walking as well as the podium when we have guests in the legislative session. So the specific mandate for this committee is to work with the Administration and look at the accessibility issues involved in the Chambers here as well as the front door which is very difficult to open and a problem, so that's the emphasis here.

On a longer range, each year we need to look at the condition of this facility as well as the Mayor's Conference Room and elsewhere and the emphasis should be looking at the issue of the preservation of the wood in these Chambers.

Mr. Cohen:

I certainly support, very strongly support the accessibility issues. Can we put that in then that that's what this is for? In the bill it's very vague and I very much support that. We still have one-half of the elevators -- I realize it's not the City's half, it's the County's half but one-half of the elevators here that are not handicapped accessible.

Mr. Ferlo:

There are other code accounts that address issues outside of these Chambers but we'll have no problem clarifying the resolution.

Mr. Cohen:

Thank you.

MUNICIPAL RECORD

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Municipal Record

ONE-HUNDRED TWENTY-EIGHTH COUNCIL

JIM FERLO.....President
LINDA M. JOHNSON-WASLER.....City Clerk
KURT J. SALAC.....Asst. City Clerk

Pittsburgh, PA
Tuesday, August 2, 1994

PRESENT:

Mr. Cohen	**Mr. Onorato**
Mr. Cusick	**Mr. Ricciardi**
Mr. Hertzberg	**Mr. Smith**
Mr. O'Connor	**Mr. Ferlo (Pres't)**

The Chair:

Would you all please rise for the Pledge of Allegiance and would you please remain standing for a moment of silent prayer so that we may have peace throughout the world.

We are very honored and pleased to have a young lady here today, she's five years old; her name is Melissa Kaduck; she's from Beechview community. She is going to lead us in the Pledge of Allegiance. Her mom is here, Cindy; and I know Cindy is a teacher up at Our Lady of Loretta in Brookline.

Melissa, would you like to lead us in the Pledge of Allegiance.

Melissa Kaduck:

I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with Liberty and Justice for all.

The Chair:

Thank you. Thank you, Melissa, very, very much; you did one good job. And, we are going to present you with the City flag and the flag of our country. And, we hope you have a good summer.

PRESENTATIONS

The Chair:

Ladies and gentlemen, we have a lot of honored guests in the audience today. Without further ado, I would like to call on Councilman Joseph Cusick.

Mr. Cusick:

Would Gary Betakeefer, please come over, please come up.

Mr. President and members of Council, as you know Gary is with the Sheet Metal Workers and they are holding their convention in Pittsburgh here.

MR. CUSICK PRESENTS

No. 919 WHEREAS, The Sheet Metal Workers' International Association (SMWIA) represents union employees in the industry, some 100,000 men and women of every race, creed, and color, who are brought together by their common interest in the work they perform.

WHEREAS, SMWIA, formed in 1888 in Toledo, Ohio is an affiliate of the AFL-CIO, the Canadian Federation of Labor, the International

Metal Foundation and the International Federation of Building and Woodworkers. It is also a member of five specialized departments of the AFL-CIO; Building Trades, Metal Trades, Maritime Trades, Railway Labor and Union Label, and;

WHEREAS, SMWIA has local unions functioning in the 50 states, the District of Columbia, and Canada. SMWIA's local unions hold agreements with all types of sheet metal contractors. The union's jurisdiction includes the installation of furnaces in homes to the pollution control centers that clean the air we breath, and;

WHEREAS, the union has worked closely with the contractors' association in establishing training programs that will help meet the demand for more and better trained employees in this, the fastest growing and most diversified technological industry in our nation, and;

WHEREAS, SMWIA is convinced that one important key to our national progress is the corps of skilled workers, the men and women who have the knowledge and experience to translate plans and specifications into working structures serving the people of the community, and;

WHEREAS, SMWIA believes that these men and women deserve to be well paid for their skills, and the record shows an upward curve for the wages and the benefits the union's members receive as a result of the collective bargaining process with employers, and;

WHEREAS, from August 22, 1994 to August 26, 1994, Local Union #12 will host the 39th General Convention of the Sheet Metal Workers' International at the Pittsburgh Hilton Hotel, with delegates from over 200 local unions in the USA and Canada to elect the new Executive Council.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh hereby commends and celebrates the valuable contributions of the SMWIA to the City of Pittsburgh and is honored to chosen to be host to the 39th General Convention, deemed "Dawn of a New Era".

MR. CUSICK moved to adopt the resolution.

MR. ONORATO seconded the motion.

Which motion prevailed.

Mr. Cusick:

I have with me today Gary Betakeefer -- am I saying that right, Gare?

Mr. Betakeefer:

Yes.

Mr. Cusick:

-- and Gary is the Business Manager for Local 12, the Sheet Metal Workers Union, here in Pittsburgh; he would like to just say a few words.

Mr. Betakeefer:

My thanks to Council members, President Ferlo, a good friend of ours, and also Joe Cusick for sponsoring this resolution.

In a couple of weeks 700 delegates will be coming to Pittsburgh with their families, and we are quite proud to host this general convention in the City of Pittsburgh and let the country know what Pittsburgh is all about; it is the most livable city in the country, and it is probably the jewel and the crown in our International Association; we are quite proud to host it, and I am sure the Convention Bureau and all of the merchants in and around Pittsburgh, with the influx of monies coming in from United States and Canada with those delegates, will be the recipient of a lot of goodwill and a lot of revenue sharing that we can certainly use here in Pittsburgh.

And, again, I thank the Council members for this resolution and the City of Pittsburgh for hosting this convention in Pittsburgh in a couple of weeks. Thank you, Joe.

The Chair:

Thank you very much. Thank you very, very much. We wish all of your delegates well and hope you hammer out agenda for it is going to meet the needs of working people in this country. We welcome you to our City.

At this time I would like to call on Councilman Dan Cohen.

Mr. Cohen:

Thank you, Mr. President. Good morning everyone. Would the organizers of BIG, Baseball is Great, please come up here, come on.

The Chair:

This is going to be a tag team, we have Councilman Cohen up first and then Mr. Onorato and Mr. Hertzberg co-sponsoring the winning team, and the losing team.

Mr. Onorato:

Second place team.

Mr. Cohen:

First we are going to honor organizers and then we are going to honor the winners, and maybe even the losers.

The Chair:

There are no losers in Little League Baseball.

Mr. Cohen:

Members of Council, ladies and gentlemen, it is my privilege -- come on up a little bit closer, I mean it is like sitting in the back row of the class or something.

It is my privilege to be able to give this proclamation on behalf of a wonderful tournament called the BIG Tournament, Baseball is Great, and as Councilman Ferlo said, we will have two proclamations, one for the people who put in so much time to organize this, and then the other for the winners of the tournament.

This organization brought together baseball leagues from all over the City of Pittsburgh, more than 10,000, I believe, boys and girls participated in this tournament. It was a terrific tournament that actually had the semi-finals and the finals at Three Rivers Stadium, and I can tell you, having gone to the semi-finals, that it was a fantastic event, where the kids got to play on Astroturf, they got to have a great announcer, and that, of course, is Lou Polito, and they actually had -- in the finals, at least, they had their names up on the scoreboard. You should have seen these kids' faces when they were playing in Three Rivers Stadium.

And, what I would like to do is be able to commend the organizers, because this was more than just a baseball tournament, it really was, it was a way of bringing together children from throughout the City of Pittsburgh, young, old, boys, girls, white, African-American, neighborhood to neighborhood, the East End, the West End, the North Side, the South Side, our public housing communities, and that is really, in my view, why this tournament was so great. Yes, we had many participants and ended up with a winner, the Brightwood Athletic Association, who did a terrific job, but there was even a bigger meaning to all of this and that was that kids got to be with other kids that they may not otherwise have spent time with, and it is that kind of coming together that breeds tolerance, tolerance of all of our differences.

So, I want to first thank the Mayor of the City of Pittsburgh, Mayor Tom Murphy, for sponsoring the Mayor's cup, and then get to the people who really did all the work, beginning with the people from the City's Parks and Recreation Department, Lou Polito, who I mentioned, Donna Saul. Donna. I mean they've just spent hundreds and hundreds of hours on this, and you just did a great job. Bob Stumpp, who is not here, and Sam Mastromateo, who spent so much time. Baldy Regan is the Director for this, and Baldy, as I understand, is out of town today but needs to be commended. Rich Fitzgerald, who is a friend of mine and somebody who put in just umpteen hours into this tournament, and I want Rich to say a few words before we are done here.

And, the eight regional representatives, four of whom we have here today, Joe Lucas, Ron Hornick, Ramon Dixon, Gus Stewart -- and, Gus, I believe your son is here, too. Where's he? And his son Kipper. Come on up, Kipper. And, the regional organizers, as obviously the title suggests, organize their particular area, their region, because there are eight regions to this program.

So, I just want to congratulate each and everyone of you and then read this proclamation.

MR. COHEN PRESENTS

No. 920 WHEREAS, Pittsburgh BIG (Baseball Is Great) League is a city wide organization that reaches out to all the neighborhoods of Pittsburgh to bring together different baseball leagues from throughout the entire City; and

WHEREAS, Pittsburgh BIG League was created to form bonds of friendship, camaraderie and good sportsmanship between children and youth from different backgrounds, races and cultures from neighborhoods throughout the City, while at the same time instilling as sense of a common community in the parents and adults involved; and

WHEREAS, Pittsburgh BIG League, developed through the City's Parks & Recreation Department by Bob Stumpp, Lou Polito, Donna Saul and Sam Mastromateo, is coordinated by eight regional residential representatives:

Joe Lucas, Ron Hornick, Dan Carr, Regina Robinson, Ramon Dixon, Ray Zottola, Gus Stewart and Joe Defeo, under the leadership of Baldy Regan, Director, and Rich Fitzgerald, Associate Director of the BIG League; and

WHEREAS, Pittsburgh BIG League comprises more than 10,000 boys and girls from ages 6 to 18 years old, from more than 40 City neighborhoods.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh commends the organizers of Pittsburgh BIG League for their lasting contribution to the children and parents of Pittsburgh and Pittsburgh BIG League Champions, winners of the Mayor's Cup, the Brightwood Athletic Association; and

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh declares Tuesday, August 2, 1994, to be Pittsburgh BIG League Day in the City of Pittsburgh.

MR. COHEN moved to adopt the resolution.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

Mr. Cohen:

Rich, I want to present this to you, congratulate each and everyone of you for all of your hours of hard work for a terrific cause. And, Rich Fitzgerald, congratulations.

Mr. Fitzgerald:

Well, this tournament and the whole organization of Pittsburgh BIG League that we put together has really been successful beyond our wildest dreams. When the Mayor appointed Baldy Regan and Baldy Regan decided to bring me on board to help out with this, I was very excited and it just has worked out better than we ever expected, thanks to the people you see here and many other people behind them from their organizations. People like Gus and Joe and Ron and Ramon, as well as Lou and Sam and Donna, who have just helped tremendously in bringing the neighborhoods together and it just could not have been done without them. So, I thank you very much.

The Chair:

Thank you very much, Rich. Councilman Smith, a brief comment?

Mr. Smith:

Mr. President, while they are getting their photo taken, yes, I would just like to say that the playoff games were held at the Three Rivers Stadium, I attended for my two districts, District 9 and District 6 in a playoff. I think that it is important that next year we fill those stands. This is a great program, it is a wonderful opportunity, it gives them exposure to a professional stadium, and I think that it is absolutely wonderful. Next year we need to get the P.R. out, bring in the Senior Citizens, build that bond and fill that stadium.

The Chair:

Thank you very much. Councilman Onorato, then Councilman Hertzberg, two district Council members with their respective teams.

Mr. Onorato:

And, at this time, Councilman Hertzberg and I would like to invite the teams up. We are going to be in this corner over here. So, all the players come on up, and coaches, the players and the coaches.

The Chair:

And, if there are any parents, you are welcome to come up also.

Mr. Onorato:

I am going to let Alan explain the bet and the dynamics and the logistics behind what he has to do, but that is something he can talk about, because it made my life a lot easier because Brightwood pulled out a very close game here.

The Chair:

I think you got some ringers in there, I don't know, 8 to 13.

Mr. Onorato:

This is actually both teams, they all have on the BIG League T-shirts. It is a little confusing here, we have both teams mixed here.

I also want to just point out that the Manager for Brightwood, Pat McDonough, is here, coaches Larry Hummel and Dave Zapf. I don't know if we have the other coaches here from Elliott.

The Chair:

Let the little guys out front here.

Mr. Onorato:

They couldn't make it in today, but everyone was invited here.

We are going to read the proclamation together, Councilman Hertzberg and I, and I will get through the names of Brightwood and then I am going to switch it over to Alan for West End-Elliott.

But, we had a lot of fun with this tournament, Councilman Hertzberg and I, and we had a fun bet about putting a banner on the bridge.

But, what is great about the tournament, luckily for me, and I am proud, as the North Side representative, to stand here and say, Brightwood won, but if you would have seen this game, the final game, it was one heck of a game, it actually was one-nothing and it was won by stealing home n a wild pitch, to give you an idea. These teams were equally matched, they played outstanding, and the sportsmanship was unbelievable, and the support there, even though the stands weren't filled, as Councilman Smith pointed out, there's a lot of loyal supporters and the volunteers that the names you'll never here, but they are there every night of the week at these Little League fields throughout the City, keeping these kids off the street and providing a service that everyone here we struggle with everyday to provide opportunities for these kids.

And, I am here to say that is going on every night in this City with thousands and thousands of kids, unfortunately it doesn't get the coverage of the bad press that hits the 6:00 o'clock News, but I can tell you, this is the vast majority of Pittsburgh's youth right here you don't hear about. Stating that, I am going to start with the proclamation.

MESSRS. ONORATO AND HERTZBERG PRESENTS

No. 921 WHEREAS, The Mayor's Cup Little League Tournament which is a component of Pittsburgh B.I.G. (Baseball Is Great) League, took place from Wednesday, July 13th through Saturday, July 30th and included 34 teams; and

WHEREAS, Brightwood Athletic Association and Elliott-West End Athletic Association played five games to reach the finals held Saturday, July 30, 1994 at Three Rivers Stadium; and

WHEREAS, Brightwood Athletic Association's team consisting of players Matt Hails, Brian Harewicz, Benny Heisel, Ian Heisel, Jason Hummel, Manuel Kristoffer, Jimmy Kuntz, Chris Main, Brian Papinch, Brandon Sheetz, Nick Singhose, Ron Smith, John Stevens, Neil Zapf, Timmy Zotter and bat girl Liz Heisel won that game by a score of 1-0, led by their Manger Pat McDonough and Coaches Dan Brown, Larry Hummel, and Dave Zapf; and

WHEREAS, Pat Daly, Wally Garcia, Tom Matszewski, Joe Rauterkus, and Russ Tenace coached the Elliott-West End Athletic Association's team including Scott Daly, Josh Galilei, Drew Garcia, Willy Hopkins, Dante Howard, Joe Knouff, Joe Lippert, Marco Martinez, Andy Matuszewski, Carl McDonald, Matt

Rauterkus, Matt Scholz, Elija Shropshire, Neil Sullivan, and Lee Tenace to an impressive second place.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Pittsburgh does hereby commend and congratulate both teams for their hard work and dedication to the game of baseball, and for their outstanding performance on and off the field in representing their neighborhoods and their City.

SPONSORED BY COUNCILMEMBERS ALAN HERTZBERG, DAN ONORATO, DAN COHEN, JOE CUSICK, JIM FERLO, BOB O'CONNOR, GENE RICCIARDI, AND CHRIS SMITH

MESSRS. ONORATO AND HERTZBERG moved to adopt the resolution.

MR. CUSICK seconded the motion.

Which motion prevailed.

Mr. Hertzberg:

My turn?

Mr. Onorato:

Your turn.

Mr. Hertzberg:

I am not going to stand up here and talk about the statistics from that ballgame, four hits, Elliott-West End, only one for Brightwood. I am not going to stand here and talk to you either about those two controversial calls that wound up with that one little run. What I am here to do is to congratulate and commend everybody again, the volunteer parents with their support and the coaching staff and both teams. I mean if you went down to the stadium and saw the quality baseball that is played by these young people, you wouldn't believe it at their age, how good a game that this was and how good of players they were. I mean you did not see errors all over the place or anything like that, it was an excellent ballgame, and we have some excellent athletes here, and for the team from Elliott-West End, you played excellent, so did the team from Brightwood, you are all to be congratulated. I think you are all winners and you all played in the first Mayor's Cup and I congratulate you very much.

Do we have any team spokespeople from either team, I am looking for the players? Elliott-West End? Does any member from Elliott-West End want to get up here and say something?

Mr. Onorato:

Are you sure? How about the coaches? Let's get the coaches up here.

Mr. Hertzberg:

I guess that is what we are going to have to do.

Mr. Onorato:

Anyone from the coaching staff? Pat, come on. Pat McDonough, who is the Manager of Brightwood. Here you go, Pat.

Mr. McDonough:

I just want to thank the Mayor, City Council and everybody else involved in getting this going, I hope it keeps up. And, I want to really thank these kids here and the coaches, who put in a lot of time and dedication this year and it just goes to show that hard work will pay off to their benefit. Thank you.

The Chair:

Thank you, coach.

Mr. Onorato:

One thing I would like to mention -- well, first of all, I just want to tell Alan that he has got to realize the tournament was played on the North Side, Alan, and we had our roles, and the one critical stat was on the scoreboard, I think it was 1-0, and I don't know how many hits were involved.

But, what I do want to point out here, which I think it goes across all our districts, is that two years ago, Pat McDonough called me and asked me to take a tour of the facility where this team plays, and the facilities across the City is a vast range, some of them are top notch, some of them need a lot of help, and it is a shame some of the

conditions the kids have to play under, and a lot of times at the end of the year during the budget season and the media picked up on it last year, we take a lot of those dollars into CD neighborhoods and we fun groups like this. And, I told the media last year and the people that were critical of it, you can't have it both ways. If we are going to be committed to having projects to keep these kids off the street and to give them alternatives, it is going to take some money. Everyone of us here allocated money to athletic organizations, this is why, and I'd challenge anyone to come up and look at this particular facility and to show you where it is compared to other facilities and the works we still have to do to improve it, and this is only one of many that needs improvements.

But, I think -- Pat, what's the number of kids that you have in your Little League right now?

Mr. McDonough:

A hundred and seventy.

Mr. Onorato:

A hundred and seventy kids they keep off the street in the summer, that's one Little League. That is how important these organizations are, and I don't think twice about funding any of them, it is a good cause, and when I hear some negatives about the funding system, I'll be more than happy to show any group that I fund and my colleagues fund when it comes to athletics, because where else could you put a $3,000.00 grant and keep 170,000 kids off the street, because of the volunteers or the parents that are involved. I think that's important. This just highlights it.

Once again, I want to congratulate Elliott-West End and North Side for winning at all this year and hopefully they're back in next year.

Alan, if you want to just end it on our bet.

Mr. Hertzberg:

Yes, I publicly stated that if somehow this North Side team ended up winning the game, that I would obtain a banner in honor of them and that it would be hung on the West End Bridge welcoming everyone to the North Side, the home of the Mayor's Cup Champions, Brightwood team, and I am told that will be going up in about a week.

The Chair:

We want to thank all of you for coming down here today. City wide we have a hidden budget, it is a multi-million dollar budget, and it represents a lot of the volunteer hours that parents and coaches and our City residents put in for countless Little League teams throughout our City's 90 neighborhoods. We could not afford to fund it directly, and I think the parents, in particular, are owed a big "thank you" and I would like to give them a round of applause also.

I'll also ask the Mayor to waive that $50.00 banner fee.

Mr. Onorato:

And, we have the President of the Fire Fighters, Joe King, maybe he can help us with a pumper truck to put it up, how's that?

Thank you, Mr. President.

The Chair:

Thank you all. Congratulations.

I would like to call on Councilman Bob O'Connor. Councilman Bob O'Connor would like to have all the guests that are here today, especially Mr. Jones, come forward, and he is spearheading this effort to honor some dedicated volunteers to each one of our Council district. Mr. O'Connor.

Mr. O'Connor:

If Earl would come up and the sponsors, Joe, Pat, Tom, and Rosemary from the Mayor's Office, we have Integra Bank, Johnston Florist. The winner of this Little League should have got a trophy like this, you guys.

The Chair:

I think next year we will have to match the Mayor's T-shirts with our own Council trophy maybe.

Mr. O'Connor:

Well, if you get Earl Jones involved, he thinks "big", and this is an outstanding project that he started last year, and I'll read the resolution and

then I would really like to turn it over to Earl who is responsible for all this.

MR. O'CONNOR PRESENTS

No. 922 WHEREAS, Earl V. Jones, Sr., President of the Hazelwood Development Corporation, founded the "If You Can't Change the World, Plant a Flower" contest n 1993, to encourage all Pittsburgh communities to make meaningful efforts at beautifying their neighborhoods; and,

WHEREAS, this year each council district has nominated a group or individual that has made outstanding efforts to beautify their neighborhoods, by planting and maintaining flower gardens at highly visible intersections, transforming abandoned lots into gardens, and by leading efforts to help citizens engage in beautification programs, accordingly, the following people will be awarded a trophy in recognition of their continuing dedication:

District 1: Jim Hollock;
District 2: Mount Washington Community Development Corp., Director Susan Brandt;
District 3: South Side Community Council, President Roberta Stackawitz;
District 4: Mary Cahill;
District 5: Greenfield Organization, Director Bill Smith;
District 6: Schenley Heights Women's Civic Association, President Ernestine Parks;
District 7: Emelia Crowley;
District 8: Saint Bede Youth Group, Director Kathy Haupt;
District 9: Mary Savage;

WHEREAS, the awarded trophies are available thanks to the generosity of the following sponsors: Mayor Tom Murphy, Earl V. Jones, Sr., Pittsburgh Fraternal Order of Police, Pittsburgh Firefighters Local #1, Pittsburgh Fraternal Association of Professional Paramedics, Integra Bank, Johnston Florist, Duquesne Light Company, and Earl Kearns.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh commends the nine award recipients and sponsors, for their efforts at supporting neighborhood beautification, and further, declares the week of August 7 through 13 to be "Neighborhood Beautification Week" in the City of Pittsburgh.

SPONSORED BY COUNCILMEMBERS BOB O'CONNOR, DAN COHEN, JOE CUSICK, JIM FERLO, ALAN HERTZBERG, DAN ONORATO, GENE RICCIARDI, CHRISTOPHER SMITH

MR. O'CONNOR moved to adopt the resolution.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

Mr. O'Connor:

And, Earl, I will turn it over to you to tell us about the program and introduce the sponsors, and then each one of us, I would like each Councilmember to come up and award his or her district for their outstanding work.

The Chair:

No "hers" there yet, only "his"'.

Mr. Jones:

I would like to thank the sponsors, I would like to thank the people who are involved, all the City Council and their staff, all the Mayor's people and their staff, and I would like to thank all the people that are receiving these awards today, because without any of you I would not be up here today.

So many times they say, is a volunteer really appreciated. Well, I think if you look around this room today, you have your answer, and what we propose to do is give these trophies from the sponsors to our Councilmembers and they will present them to their choice of the people in their districts that beautified this wonderful community – in their communities. So, I would like to know if I could call them up one at a time.

In District 1, I would like to call up Dan Onorato and Rose Fischer from the Mayor's Office. His recipient couldn't make it today. And, I would like to have Dan Onorato say a few words, please.

Mr. Onorato:

I will accept this on behalf of Jim Hollock. Jim Hollock, I went to his house, he took an entire City -- corner of a City block that was all woods, right by Perry High School, and landscaped it with bricks, flowers. Probably if he had a contractor do it, it would be at least a five to $10,000.00 landscaping job, he did it on his own, and this is the type of individual we're looking for. Now we are going to work with him to try to get the property turned over to him. It was just an abandoned lot, that we could put back on the tax rolls by giving it to a taxpayer, and it also beautified a significant corner of the North Side, which is Perry High School. And, I will make sure that he gets this, and I thank you, Earl.

Mr. Jones:

My pleasure, sir.

In District 2, I would like to have Alan Hertzberg, Councilman Alan Hertzberg and Sabrina from Integra Bank, and their group. Probably the speaker will be David Miller and his friends. Will they please come up here.

Ms. Traywick:

On behalf of Integra Bank we want to pass on this World Peace Trophy to Alan Hertzberg as a symbol of passing on peace to you.

The Chair:

Thank you.

Mr. Hertzberg:

And, I, in turn, pass this to the Mt. Washington Community Development Corporation, the President David Miller is here, we've also named Susan Brandt, the Director, as one of the recipients of this award.

The Chair:

Thank you, Mr. Miller.

Mr. Hertzberg:

And, I hope everyone who has not had a chance to see the particular beautification project on Mt. Washington, I hope you all will take a look at it in your travels on Grandview Avenue, you can't miss it, it is at the main intersection there of Grandview and McArdle, a beautiful lot, a beautiful garden there. And, Dave, would you like to say anything?

Mr. Miller:

Yes. Thank you. Especially "thank you" to all of you, Alan, particularly, and all of City Council, but most especially, these gardens, most of them would not be possible without the Western Pennsylvania Conservancy. Their man Jeff Gerson works tirelessly to help make these gardens happen. He picks the flowers, he gets good quality material, he gets the mulch, and so on, and the neighborhoods do the work in the field, but without their money and fundamental support for a program of, I think it was nearly a hundred gardens, all of which have to be planted in the month of May, it is a terrific job of logistics that they carry out. And, we are very honored to be part of that program and it has done a great service to Mt. Washington, everybody feels better about their community because of this garden. And, I am just here to accept the thanks, and we all appreciate it all very much. Thank you.

Mr. Jones:

I would like to represent now District 3, Joey King, Fraternal Order of Firemen, Gene Ricciardi and his recipients, please.

Mr. Ricciardi:

Thank you, Mr. Jones. First of all, I would like to thank all the volunteers throughout the City of Pittsburgh, but particularly those of the South Side Community Council for helping to beautify our South Side flats and slopes, both at 30th and Carson Street, Josephine Street and Barry Street, they really, really deserve our recognition.

Also, I want to thank the Firefighters for being our sponsors, and Earl Jones for his continued efforts, and the Western Pennsylvania Conservancy. Our City continues to flourish for their fine work, and I would like to thank them.

And, I believe, there is no one here from the South Side Community -- oh, there are. Oh, please come forward. We have with us Michael Janesko

and Bob Bingham. Am I correct, Bob? Is that Bob? Yes, it is. No. No, it is not.

Thank you. I am going to ask Michael Janesko if you will say a few words. It was really under his initiative, I believe, several years ago that he got the program off with the full support of the South Side Community Council, and I would like to congratulate both of them. Thank you.

Mr. Janesko:

Dennis Berry, not Bob.

We would like to thank the sponsors of this wonderful trophy. We would also like to thank the Western Pennsylvania Conservancy, without whose help I don't think any of us would have got our start here, and would like to thank them for their technical advice, their financial support, and mostly we would like to thank the volunteers that show up to help plant the gardens initially, and those that help during the year to maintain them.

Mr. Ricciardi:

Thank you, Mike.

Mr. Janesko:

Thank you. Thank you very much.

Mr. Jones:

I would like now to bring out the representatives of District 4. Duquesne Light did not have a representative today but they wish you the best. And, Councilman Joseph Cusick, I would like to have you come up here and the group that you have selected.

Mr. Cusick:

We have Mary Cahill from the Carrick community. Mary is a 40 year resident of Antenor Avenue in Carrick, she is also the Chairperson of the Carrick Community Council -- come on over here, Mare -- Carrick Community Council's "Carrick Goes Gardening" contest. She is the founder, she help create the program to involve people interested in beautifying Carrick. There were 20 years in the first year -- there were -- I'm going to let Mary explain this because I'm going to confuse it.

But, I would like to congratulate Mary, Mary has done a lot of good work for Carrick and for the City and we are very proud to have her up here today, and thank Duquesne Light.

The Chair:

Take your time.

Ms. Cahill:

I need help.

I want to thank the Council for this honor. I am not saying this for myself, I am saying this for the Carrick community. Now, this plaque, which I was surprised about, it's big. Where are we going to put it? Anyways -- I don't care, but it's great.

The Chair:

You can put it in the flowers, it will look nice.

Ms. Cahill:

Well, yeah. Let's not get into that.

What I want to say was, this plaque really deserves -- is deserved by the people in Carrick, because when we started this two years ago -- and this is only in its second year -- when we started this two years ago, we had 20, 25 people, I can't remember, it's in my notes and I didn't bring them with me, however, these people that were starting off, very small, the second year, this is our second year, we're going to have more people that are involved, I didn't take the final count yet, but we started off with Sam Mobley, from the Pittsburgh Garden Center who helped us in this program. Sam is not with the Pittsburgh Garden Center anymore, but he was a wonderful help. Our judges were the Pittsburgh Landscape Society, and again they are going to be the judges. We wanted this to be impartial, because if any of us were the judges, they would say -- people would say, oh, yeah, because she's the Chairman, or, he's the President of Carrick Community Council, or that kind of a thing. So, we left it go at that. But, we're getting bigger and we're getting better. And I want to invite everybody in the City of Pittsburgh to come to Carrick and really drive around the hills and dales in Carrick and see the beautiful gardens because we've done a terrific job, and hopefully

next year we'll be bigger and better. What we are striving for, the committee of five, is to make Carrick the garden spot of Pittsburgh. So, every community has a challenge now. And, I want to thank the Carrick Business Association because they came in with us this year. So, that's why we're making it better. So, please come and see us in Carrick and see what we're doing. Is there anything I forgot? Did I forget anything?

The Chair:

Thank you. You were wonderful.

Ms. Cahill:

Oh, one, one thing. I want to thank the Conservancy because they are the ones that gave us some money to start off with. Thanks everybody. If I forgot you, please forgive me.

The Chair:

Say, hello and good morning to Mr. Read Shaw, the Democratic Nominee for State Representative from that community.

Mr. Shaw:

I'm the official carrier.

The Chair:

Very good.

Mr. Jones:

Now I would like to bring up District 5, Bob O'Connor. This is my Councilman. We have worked together on many projects and many projects in the future, I hope to work with him and his staff. I would like to thank Thistle for the resolution she wrote, it is a beautiful piece of work. And, now I would like to have Bob O'Connor and his choice, the Greenfield Organization, and I have to give this one myself, because Hazelwood Development Corporation is sponsoring this. Thank you very much.

Mr. O'Connor:

Thanks a lot, Earl. I think everybody is really a winner in this group because it beautifies all of Pittsburgh. And, with me I have Jim Hanley and Harry Kistler, President and past President of the Garden Club of the Greenfield Organization, and Bill Smith couldn't be here, who did an outstanding job. And, we have three major entrance ways to Greenfield, and I get more compliments on that than anything, it really beautified our neighborhood and really gave it a sense of pride, and I know last year I did some work on it and every time I ride by I feel good about it. So, I am very honored to what you've done, and come on up and say a few words on behalf of Greenfield.

Mr. Hanley:

Thank you, Councilman O'Connor. Just a quick "thank you" on behalf of the Greenfield Organization to Council; as mentioned before, the Western Pennsylvania Conservancy, who supplied us with the materials to do the job, and also Earl Jones, who does nothing halfway, he is full boar on every project he undertakes, and I will admit that Councilman O'Connor not only talks the talk but he walks the walk, he helped us plant flowers also.

I would like to introduce Harry Kistler, who is the President of our Garden Club of the Greenfield Organization and who helped coordinate all the volunteer efforts for the various sites that we plant. Harry.

Mr. Kistler:

Thank you, Jim. On behalf of the Greenfield Organization, all of the officers, the members, all the volunteers that helped us with the plantings, we accept this trophy with pride and it is not only for us, it is for all of Greenfield. Also, I would like to thank Mr. Earl Jones, members of Council who supported the awards, and especially Greenfield's favorite Councilman, Mr. Bob O'Connor.

Mr. Jones:

Now, to represent District 6, I would like to bring up Councilman Christopher Smith, Ken Campbell from Johnston Florist and the party they selected to receive the award.

Mr. Smith:

Would the ladies from the Schenley Heights --

The Chair:

Oh, you got all of the ladies down here.

Mr. Smith:

Well, these are just a few of my neighbors.

This is going to the Schenley Heights Women's Civic Association, their President is Mrs. Ernestine Parks, and they have had efforts over the years to help citizens improve the community and to engage in beautification programs.

I must tell you that there is a misnomer in the community that Pitt did that flower garden. So, I want the general public to know that was a community service project. I actually went by to make sure my Marigolds that I planted grew. It looks wonderful. I want to say, thank you.

There is a plaque and this that goes to the community group. So, let me hand Ms. Smith this, and I think that it is extremely important that we continue to, as a community, do these service projects because it makes a world of difference. They said our garden would never survive at that corner, we didn't lose one plant other than that by Mother Nature. It is absolutely beautiful and it is at the crossroads of the Hill District.

So, I want to thank Mrs. Parks for her efforts, and even though she wouldn't let me help her plant her section of the garden, I just want to say thank you and congratulations. Come on, Mrs. Parks.

Mrs. Parks:

Before I thank you, I think I have something to say. We have volunteers -- first I would like to say that we want to thank the ladies for coming out. We have Ms. Dorothy Smith, she's my right arm, and she is the one that is the Chairman, along with Sarah Sumpter, who is Co-chairman, and the volunteers that help her. Every Tuesday they see to it. Every Tuesday they are there. Arlene Eli, Dorothy Parker, Connie Bethel is one of the members, Marie Jones. We have Connie Bethel and her husband, he's sitting back there, he didn't come up, and her grandchildren who came from Miami, not just for this occasion.

But, I do want to say something to City Council, and I've been thinking about this a long time, because Gilbert Love, who wrote for the Press, I wanted to help him so badly years ago to plant pink and white Dogwoods over in Mt. Washington, so we could have an annual Dogwood Festival. So, maybe you can help us do that.

Schenley Heights would like to help the City to develop more effective programs of action that will give form and strength to the latent public concerned with environment. We need action programs that can develop in each community. We have Erma Johnson -- is Erma -- did she come out today? -- from -- oh, here she is. Erma Johnson, who is President of the Tenant Council up in Addison, she helps and I help her, and these ladies in public housing, who are Presidents of their organization, are helping me, I'm partners of public housing.

We want people to get together to help each other to deal with difficult problems with having a clean city. We still have a problem trying to have a clean city. Political parties and institutions should help create avenues in which the young can contribute and participate where possible. And, why I'm saying that is because Ms. Smith and Sarah Sumpter were instrumental in getting the children from Carrick High School and Schenley High School involved here and spent a day helping us plant our flowers.

We know that crime is the lifestyle and we have to eliminate it. We are going to eliminate crime in this City and the students can act as spearheads, just as Schenley and Carrick did.

The solution to the problems is not found in simple billboards and non-returnable bottles, nor in the promotion of anti-litter campaigns, we need advertising that the purpose would be deep concern about the environment.

The solution to our environmental crisis involves simple small measures by many people and accelerating sequences, not to do it one year and forget it the next. So, you can understand, members of City Council, a change is needed. Schenley Heights Women's Civic Association are directing their attention to a new kind of thinking about our environment. Western Pennsylvania Conservancy has helped us, Mr. Gerson, a lot of the art programs are entering into it, a lot of the Proctor Gamble, a lot of our corporations are

entering into this environment problem which we have.

For options Council can help community CDs decide the goals and the directions to take to provide that which make ecological sense.

So, Councilman Smith, the people who reside in Schenley heights and in public housing are concerned, they are interested in you. We have a wonderful Councilman, who cooperate with all communities, whether he is Councilman with them or not.

So, thank you again for the trophy and we will continue to work for all of the City of Pittsburgh not only Schenley Heights. Thank you.

The Chair:

Thank you, Mrs. Parks.

Mr. Jones:

The representative from Johnston Florist, Ken Campbell, said I could say a word for Johnston Florist, because they plant some beautiful flowers, they donated some beautiful flowers and I want to thank them.

Now, on District 7, I would like to have Pat McNamara, Lieutenant, representing all the police of Pittsburgh. Councilman President Jim Ferlo and his choice, please step here for the award, please.

The Chair:

Council District 7 is not without its flower power also. I have the benefit of representing eight different neighborhoods and in every one of our neighborhoods we have a great core of dedicated volunteers as well as neighborhood organizations that work very hard every year, so I am very honored to accept this from Brother McNamara here from the F.O.P.

Mr. McNamara:

Thank you.

The Chair:

Thank you. I want to thank the F.O.P. for helping Mr. Jones in his City wide effort.

I want to bring up a lady, Mrs. Emelia Crowley, if you could come forward, please. Mrs. Crowley. Gerri, do you want to help.

Mrs. Crowley is a little surprised because we did not actually tell her what she's getting an award for.

As I said, like every Councilmember here, I am proud of a lot of volunteers. In every one of my neighborhoods we have a good range of volunteers. I have one gentleman from Highland Park, Mr. Ziegler, Dale Ziegler, who literally is the Johnny Appleseed of Highland Park, does a lot of work. I tried to pick an individual who doesn't always have the big backing of a community based organization or a large core of volunteers, Mrs. Crowley and a couple of her girl friends, Barb, and a few others, for many, many years. I picked an individual who probably has worked the hardest, worked the longest in my Council district, and that is in the neighborhood of Lawrenceville, and somebody who posed together a great effort with very little resources.

Mrs. Crowley for many, many years, I think all of you know the Keystone entrance into the Lawrenceville community, is the bank building, the newly historically renovated bank building at Butler and Penn, and there you see the historic Dough Boy Statue, and we are very proud that Dough Boy Statue every year, without fail, rain or shine, in sickness or in health, Mrs. Crowley is out there with her volunteers making it a beautiful corner, and it is even more beautiful now with the renovated bank building.

So, I want to take this opportunity to applaud and to thank personally and on behalf of my Council district, Mrs. Emelia Crowley. Thank you.

I will have Gerri Hunter from my office hold the trophy for Mrs. Crowley, and it is well deserved. Mrs. Crowley, do you want to say a few words? You don't have to be shy.

Mrs. Crowley:

Ladies and gentlemen, this has come to me as a great surprise. I was called a week ago today by Gerri and asked to be here in the building in their office. I never questioned why and it wasn't until I walked into this room today that I was told why I was asked to be here. And, another surprise was to

see my two daughters here and they never said a thing to me and all the while they knew what was happening.

I am not one for making speeches, but I want to thank all who are involved in my receiving these trophies. Thank you very much.

The Chair:

Thank you, Mrs. Crowley.

Mr. Jones:

I would like to bring up the people representing District 8, Councilman Dan Cohen, and also representing all of the paramedics of Pittsburgh, Tom Huerbin, and the people that they have chosen as their recipients.

Mr. Cohen:

Thank you very much, Earl Jones, and, Earl, for putting this all together, you're fantastic. Congratulations.

I accept this trophy from Tom Huerbin, the President of the Fraternal Order of Pittsburgh Paramedics only briefly, because to pass it over to the St. Bede's Youth Group, and I would like everybody from the St. Bede's Youth Group to come up here, they've been waiting patiently. Thanks to all the sponsors, Firefighters, F.O.P., paramedics, et cetera, et cetera.

The St. Bede's Youth Group is part of a combined youth ministry -- come on, you can come up close. Kathy, I want you right here. -- and that is the East End Catholic Youth Ministry, and the East End Catholic Youth Ministry is made up of four different parishes, that's St. Bede's in Point Breeze, Sacred Heart in Shadyside, St. Paul's Cathedral in Oakland and St. Raphael's in Morningside. The young men who we have here today are from St. Bede's and St. Raphael's, and I just want to congratulate the group here for attending to the flowers at the flowerbed at Dallas and Wilkins. It was a great combined in putting it in in the first place, actually the City of Pittsburgh Public Works Department took out the concrete in this vast concrete median at the corner of Dallas and Wilkins, and, of course, the Western Pennsylvania Conservancy donated the flowers, but more than those two groups really are the people who day in and day out tend those flowers, because none of these flowerbeds would work unless we have a dedicated group of volunteers who are willing to put in the hard work and make sure that these flowers look good every year.

So, I checked the fingernails of all of these guys to make sure that they really get their hands dirty, I guess they washed their hands before they came in, but I take it on faith, particularly from Kathy Haupt here, that they actually do tend the flowerbeds.

So let me introduce the people who we have here, Kathy Haupt is the Coordinator for this wonderful group, Keith Kaiser is the Director -- Keith, put your hand up there -- of the East End Catholic Youth Ministry, and we also have with us Jerome and Ryan Handerhan -- put up your hands, guys -- Jeffrey Keating and Matthew Meehan, and I just want to thank you all for making the Point Breeze area of the City of Pittsburgh look beautiful. Kathy, congratulations. Come on up and say a few words.

Ms. Haupt:

Oh, no.

Mr. Cohen:

Or whoever wants to say a few words. You're Ryan, right?

Ryan Handerhan:

Yes, I'm Ryan.

Mr. Cohen:

Okay, we'll hear from Ryan.

Ryan Handerhan:

I'd like to thank City Council for this award; I'd like to thank Pennsylvania Conservancy for the flowers, and Kathy Haupt, our organizer. Thank you.

Mr. Cohen:

Ryan, because you gave a short and speech we're going to give you the trophy, okay. Congratulations.

Mr. Onorato:

It's as tall as he is.

Mr. Jones:

Representing District 9, Duane Darkins up there, this is your trophy but I guess you can't reach it down here, but we would like to thank you for all you have done for the people in our community and how you have worked with me in the past. This trophy is dedicated from Earl Kearns. He is a very wealthy man in financial wealth. He was born with a good heart and has helped me every inch of the way in all my projects, and to accept this award is Councilman Smith, and I would like you to come up and accept this award through Duane Darkins, and you can tell us who you represent.

Mr. Smith:

Well, first of all, I would like to thank you for having me represent the 9th District, but I want to introduce you to a very remarkable young lady, Ms. Mary Savage does, and I understand, it is four gardens in the Homewood-Brushton area. Come on up.

You get a plaque for your service, and this also, I won't hand it to you presently.

But, I think that it is extremely important that you go out there and look at the size of these beds, this is not a little corner, they are mammoth beds, they are beautiful, and here's the single-handed person that does them. Come on.

Ms. Savage:

Thank you. It seems that I'm the single-handed person but I get a lot of help. Western Pennsylvania Conservancy has been supporting me for many years. I think I was one of the first participants for the garden with the Western Pennsylvania Conservancy and we have the Weeders and Seeders Garden Club, the Hillcrest Garden Club; we have Integra Bank and HBRDC, and we have many volunteers that come to participate, and it is so rewarding, when I am working people will stop in their cars and say, "thank you", and I appreciate that. And, I thank all of you for the plaque and this wonderful award. Thank you.

The Chair:

Thank you, Mary. Thank you for your hard work, Mary.

Mr. O'Connor:

Well, I guess that does it. But, again, thanks, Earl, very much for all you've done putting this together, the many, many volunteers who make Pittsburgh Some Place Special and a little bit different, and all of the sponsors, without you none of this would happen. Earl, thank you very much.

Mr. Jones:

Thank you, Bob.

The Chair:

Thank you, Earl.

Mr. Jones:

I would just like to bring one thing to your attention. These Councilmembers and the Mayor and his staff are also helping me sponsor a contest for peace all over the world. So, I would like to thank them for their effort also, because without a lot of people volunteering nothing could happen and everything is going to the right direction, and I would like to thank all of you here today. Thank you.

The Chair:

Thank you, Earl, very much. Again, we want to applaud Earl's efforts City wide, not only in his own neighborhood of Hazelwood, and we want to thank all the contributing sponsors very, very much for their year long assistance to this worthy effort. Thank you all.

And, thank you to the other guests in our audience who have been here patiently waiting for their proclamation. Thank you for your time.

At this time I would like to call on Councilman Onorato.

Mr. Onorato:

And Councilman Smith.

The Chair:

And this is co-sponsored by the honorable and distinguished member, Councilman Christopher Smith, which means it is probably somebody from the North Side.

Mr. Smith:

Well, that's true. Sheila Walker and Will Thompkins, if they could come forward.

MESSRS. ONORATO AND SMITH PRESENTS

No. 923 WHEREAS, on August 5th and 6th, 1994, there will be a "Coming Home Celebration" held for all individuals who reside or have resided in the Pleasant Valley area; and

WHEREAS, this celebration is titled "Pleasant Valley Revisited" and calls all Pleasant Valley dwellers from the 40's through the 80's to come and reminisce; and

WHEREAS, on Friday, August 5, 1994, at the Manchester Craftsman's Guild, beginning at 7:00 P.M., there will be dancing for all the "Class A" Charles Street dancers, walks down memory lane, snapshots , and fine wines and cheeses; and

WHEREAS, on Saturday, August 6, 1994, there will be a picnic held at the Riverview Park Activities Building for Pleasant Valley dwellers from noon until 8:00 P.M. including hot dogs, hamburgers, beer and soft drinks and providing yet another opportunity to sit, chat, and remember; and

WHEREAS, the Pleasant Valley residents expected to attend come from all walks of life. Many of the former Pleasant Valley residents have met with success. they have served in the military, become doctors, lawyers, teachers, accountants, nurses, among other occupations, and upstanding family and community members; and

WHEREAS, the Pleasant Valley Reunion Committee, made up of Chairpersons, Will Thompkins and Patsy (Patterson) Larry, Secretary, Brenda (Patterson) Younger, Treasurer, Betty Ann (Ross) Moran, Asst. Treasurer, Dolores (Patterson) Gibbs, Publicity and Correspondence member, Sheila Walker, and finally, Social Chairperson Dorothy (Williams) Eubanks, devoted much of their personal time and energy to plan the Pleasant Valley Reunion and to insure its success;

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh recognizes all the hard work and efforts of the Pleasant Valley Reunion Committee and declares an enthusiastic "Welcome Home" to all of the Pleasant Valley dwellers who return to attend the festivities.

CO-SPONSORED BY COUNCILMAN DAN ONORATO AND COUNCILMAN CHRISTOPHER SMITH

MR. SMITH moved to adopt the resolution.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

Mr. Smith:

Very good. I would like to have Councilman Onorato come up and then he can introduce everyone else.

Mr. Onorato:

We've been here long. This is my old neighborhood. Unfortunately, I will be away that weekend, but I just want to wish everyone well, and welcome back to the North Side, and turn it over at this point.

Ms. Walker:

I would like to thank City Council for this proclamation. We have worked our butts off, I mean since December, to make sure that we could get people from everywhere and we have them coming. We are excited, we are -- we're pumped up. We have friends coming from California, Texas, Connecticut. It is our first endeavor and it is a blowout, it is an absolute blowout. We have almost a thousand people coming to the picnic from everywhere, all neighborhoods in Pittsburgh.

Part of this I want to dedicate to the kids to let them know that there's no one particular area, everybody comes from everywhere, and we're all friends, we're all family and it is going to be that way, we can all live together. If you want to pray for peace, you can go by WAMO and get you a

little yellow ribbon, they're giving them out all week. And, again, thank you, everybody.

The Chair:

Thank you very, very much. Thank you, Will. Nice seeing you.

I believe that concludes our proclamations, I don't see any others on the table. At this time we will move to Presentation of Papers.

MR. COHEN PRESENTED

No. 924 Resolution amending Resolution 274, approved April 26, 1994, entitled, "Resolution providing for an Agreement/s with various community organizations for operational/administrative expenses, maintenance, purchase of equipment; and/or rehabilitation of neighborhood facilities for the benefit of residents of the City of Pittsburgh, at a cost not to exceed $863,000.00, chargeable to and payable from the 1994 CDBG Program," by changing the line item entitled Wightman School to read Wightman School/Carriage House Children's Center.---(SPONSORED BY MR. COHEN)

Which was read and referred to the Committee on Planning, Housing & Development.

MR. COHEN moved to suspend Rule 8 by providing for consideration of the bill only until or after the 8th calendar day following the meeting in which the bill was introduced so the bills will be on the agenda this Wednesday.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

MR. CUSICK PRESENTED

No. 925 Resolution providing for the issuance of a warrant in favor of Marlane Maintenance Co., in the amount of $4,355.50 in payment of the rental of Traffic Control Devices (Maintenance and Protection of Traffic) used during the demolition by Conrail of the Railroad Overpass at 11th Street between Smallman and Etna Streets; and providing for the payment thereof, charging the same to Code Account EC94-56, 3-13-30-0001-94.

Which was read and referred to the Committee on Finance.

MR. HERTZBERG PRESENTED

No. 926 An Ordinance supplementing the Pittsburgh Code, Title Six-Conduct, Article I, Regulated Rights and Action, by adding Chapter 602 - Minors.---(SPONSORED BY MR. HERTZBERG)

MR. HERTZBERG moved to suspend Rule 8 by providing for consideration of the bill only until or after the 8th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

MR. ONORATO seconded the motion.

The Chair:

It has been moved and seconded, and just a discussion on this point.

I don't have an objection to waiving Rule 8, because I think we should move quickly to discuss this bill, but I do feel the bill would require a public hearing. And, what is the pleasure of the sponsor?

Mr. Hertzberg:

If there's a request for a public hearing, I would be most happy to honor that request. I would note that there was an article in the Post Gazette this morning that referred to this as some kind of curfew, and that is not my intention and I do not believe this is any kind of curfew.

The Chair:

All in favor of waiving Rule 8? Aye? Motion carries.

WHICH MOTION PREVAILED.

MR. ONORATO PRESENTED

No. 927 Resolution providing for the issuance of a warrant in the sum of $17,500.00 to Stephanie Pollock, a minor and Janice Wagner, her mother, and in an individual capacity, c/o Ralph J. Ruggiero, Esquire, the Law Office of Ralph J. Ruggiero, 1035 Fifth Avenue, Pittsburgh, PA

15219, in full and final settlement of the action filed at GD90-13936, alleging personal injury sustained due to a slip and fall at Grandview Park on or about September 9, 1988, charge the same to Code Account 46, Judgments.

Also,

No. 928 Resolution providing for the transfer in the amount of Two Hundred and fifty Thousand Dollars ($250,000.00) from Code Account 1043, Index Code 104307, Miscellaneous Services, CIS to Code Account 44-1, Index Code 004416, Unemployment Compensation Fund.

The Chair:

Let's have a motion to waive Rule 8 on all these bills. Mr. Onorato.

MR. ONORATO moved to suspend Rule 8 by providing for consideration of the bills only until or after the 8th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

MR. RICCIARDI seconded the motion.

Which motion prevailed.

THE CHAIR PRESENTED

No. 929 Communication from Tom Murphy, Mayor, City of Pittsburgh, informing City Council of the appointment of Robert F. Provolt, Sr., to the City of Pittsburgh Water and Sewer Authority for a term to expire December 31, 1994.

Which was read.

The Chair:

We need a motion to receive and file.

Mr. Hertzberg:

So moved.

MR. RICCIARDI seconded the motion.

The Chair:

Thank you. Moved and seconded. All in favor?

WHICH MOTION PREVAILED.

The Chair:

Thank you. This gentleman lives in the West End, I believe. He is active in the labor movement, I think he would be a good addition to the Water and Sewer Authority Board.

Other discussion? Mr. Hertzberg, did you want to clarify your point earlier? You had spoken.

Mr. Hertzberg:

With respect to the legislation that I introduced today?

The Chair:

Yes.

Mr. Hertzberg:

I don't know that it needs much more clarification, but I would say that since it appears we will be having a public hearing on it, that is basically what's going to happen tomorrow.

The Chair:

Is it your intent to have some discussion tomorrow?

Mr. Hertzberg:

I don't believe so, Mr. President. I think the best thing to do would be to move it to a public hearing tomorrow, and then we can discuss it in a Standing Committees Meeting after the public hearing.

The Chair:

And, if you change you mind, let's make sure we notify the appropriate City officials, such as Chief Buford, and I guess the Law Department, whoever you feel is appropriate or germane to the discussion, including possibly representatives of the School Board, if you think that is appropriate.

Mr. Hertzberg:

No, we won't be doing anything tomorrow on that, Mr. President, other than sending it to a public hearing.

The Chair:

Thank you. At this time I would like to move directly to Reports of Committees, Committee on Finance, Mr. Onorato.

REPORTS OF COMMITTEES

MR. ONORATO PRESENTED

Bill No. 930

Report of Committee on Finance for July 27, 1994 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 790

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Duquesne Light Company in the amount of $3,495.59 for work done to relocate overhead facilities at Arlington Avenue; and providing for the payment thereof."---(PRESENTED BY MR. CUSICK)

Which was read.

Also,

Bill No. 791

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Consolidated Rail Corporation in the amount of $719.86 in payment of Railroad Flagging Services required for the inspection of the Herron Avenue and Aiken Avenue Bridges; and providing for the payment thereof."---(PRESENTED BY MR. CUSICK)

Which was read.

Also,

Bill No. 792

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Thomas F. Easton in the amount of $4,340.00 for professional services in connection with the Topographic Survey of Boundary Street; and providing for the payment of the cost thereof."---(PRESENTED BY MR. CUSICK)

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

The bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Smith
Mr. O'Connor	Mr. Ferlo (Pres't)

AYES 8 NOES none

And there being two-thirds of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 796

A Resolution entitled, "Resolution authorizing the transfer of One Hundred Thousand Dollars ($100,000.00) from Code Account 45, Index Code 004507, Health/Life Insurance-Municipal Employees to Code Account 1075 B5-2, Index Code 107508, Outside Counsel, to meet expenses of outside counsel to assist in negotiating labor contracts."

Which was read.

Also,

Bill No. 797

A Resolution entitled, "Resolution authorizing the Mayor and the City Solicitor to enter into an Agreement or Agreements for the hiring of outside counsel to assist in negotiating labor contracts for the City of Pittsburgh at a cost not to exceed $100,000.00 (One Hundred Thousand Dollars) chargeable to and payable from Code Account 45, Index Code 004507, Health/Life Insurance-Municipal Employees."---(AS AMENDED)

Which was read.

Also,

Bill No. 798

A Resolution entitled, "Resolution providing for an agreement or agreements with a professional consulting firm to prepare the annual defense spending report for the City of Pittsburgh, at a cost not to exceed ten thousand dollars ($10,000.00), chargeable to and payable from Code Account 1063, Index Code 106302, Miscellaneous Services, Department of Finance."---(AS AMENDED)

Which was read.

Also,

Bill No. 799

A Resolution entitled, "Resolution providing for conveyance by the City of Pittsburgh of certain property, under Act No. 171 of 1984, entitled, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills? Mr. Hertzberg.

Mr. Hertzberg:

Mr. President, just on Bill Nos. 796 and 797, and I would ask my comments to be brought forward.

(REMARKS -- SEE ADDENDUM)

The Chair:

Thank you. Mr. Cohen.

Mr. Cohen:

Thank you, Mr. President. I would like my comments brought forward on Bill 798.

(REMARKS -- SEE ADDENDUM)

The Chair:

Thank you. Mr. Onorato.

Mr. Onorato:

My comments, also, on Bill 798 brought forward.

(REMARKS -- SEE ADDENDUM)

The Chair:

Thank you. On Bill 796, 797, regarding the expenditure of up to $100,000.00 for outside contracts, and specifically, law firms, to negotiate on the Collective Bargaining Agreements, I voted in the affirmative, I am changing my vote to a "no" today.

I have a concern on the memo that the Law Department -- first of all, I am not sure I am sympathetic with the notion of hiring the specific attorney, Mr. Giotto, who represented in the past a major union busting firm out of Delaware, I have a problem with that, in terms of what I think his negotiating style and conduct is going to be. I do not think we need another Bernie Schneider Two, and I have some concern and reservations about that.

I think there is great disparity, as Mr. Hertzberg pointed out, generally is this favor with the need to hire consultants as opposed to in-house legal expertise. If you look at the hourly billing rates, there's such a disparity, maybe my counselor friends here can explain this, but we have Mr. Giotto making $220.00 an hour, Mr. Quinn, who formerly was the legal Assistant City Solicitor, making $135.00 an hour, and Donald Prophete only making $95.00. Maybe Mr. Prophete might

want to contract the services of Mr. Giotto to better represent him in his hourly rate.

But, in any event, I think there is a great disparity in this fee, and I just have some reservations, and I am changing my vote accordingly to "no".

Any other comments or discussion?

Mr. Cusick:

Mr. President, I also have some reservations in voting in the affirmative. I am not prepared today to vote on this and I was wondering if we could make a motion to -- I guess that would be to recommit.

The Chair:

Well, I don't know what the pleasure of the body is.

Mr. Cusick:

I would like to make a motion to recommit.

The Chair:

Well, it's up to the body to make a motion, if they so choose.

I think most people are prepared to just vote it up and down, but it is up -- are you making a motion to recommit this?

Mr. Cusick:

I am making a motion to recommit.

The Chair:

Is there a second on a recommittal?

MR. SMITH seconded the motion.

The Chair:

I see, and you are talking about the complimentary Bill 796, 797.

Discussion on the recommittal? All in favor of recommittal? No? Roll call on the recommittal.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cusick Mr. Smith
Mr. Hertzberg

AYES 3 NOES 5

VOTING NO:

Mr. Cohen Mr. Ricciardi
Mr. O'Connor Mr. Ferlo
Mr. Onorato (Pres't)

And a majority of the votes of Council not being in the affirmative, the motion was defeated.

The Chair:

The motion fails, and we're going to vote on the question.

Any other discussion on the bills that have been read?

Mr. Ricciardi:

Discussion on the bills.

The Chair:

Mr. Ricciardi.

Mr. Ricciardi:

Thank you. Mr. President, I am very disappointed in your vote not to recommit. You've raised some very interesting points and a recommittal would have allowed for additional discussion. On that note, voting not to recommit, you're basically saying that this Council should vote the bill up or down without additional information or discussion.

If I am not mistaken, tomorrow immediately following our Committee session, we're going to have our Recess from today, which would have given us a final vote. So, I would hope that someone who voted in the negative, can we -- how would Robert's Rules of Order for recommittal -- another vote on recommittal happen, Mr. President?

The Chair:

First of all, I know clearly why I voted no -- why I am changing my vote to vote "no" on the bill. I also know clearly what I read, I have had discussions, and I think we have a principle disagreement about who we hire for outside law firms and how much we're going to pay them. We can continue to debate it tomorrow ad nauseam, or we can vote it up or down, I choose to just vote it up and down, but that is the pleasure of the body.

If there is reconsideration on the motion to recommit, I'll ask for a second vote, but technically it would be out of order.

Mr. Cohen. I hope we're not going to spend a lot of time arguing about a recommittal.

Mr. Cohen:

Well, you brought it up, Mr. President. You said you had discussions but you had no discussions with me, and once again you surprise this body without providing any materials or backup and it makes it very difficult.

What it seems to me, Mr. President, is that you are not really serious about the issue you just raised or else you would have voted to recommit it or else talked to your colleagues about this and presented any kind of resume or background information that you just surprised us with this morning.

The Chair:

I believe all of us received this memo explaining further the background and hourly rate as it relates to the outside consultant. I apologize --

Mr. Cohen:

If I may. Mr. President, you brought up some allegations this morning without presenting us any documentation or anything else, or talking to us beforehand --

The Chair:

Let me clarify something.

Mr. Cohen:

-- but, frankly, it is a pattern of surprising this body at a Tuesday meeting, which I resent.

The Chair:

Well, if individuals are awake and alert, I don't think there's any surprises. I voted in the affirmative last week to expend these dollars because of the rational and explanation by the Solicitor, and at that time, based on that discussion, I supported it; however, in the follow-up information, which we requested from the Solicitor, I share Mr. Hertzberg's concern, which he raised last week about hourly rates. We did not have a lengthy discussion last week, other than have general comment about what it was costing us. When I reviewed the information I had concerns around the disparity regarding the hourly rate. I am also and further explaining why I am switching my vote -- and, Mr. Cohen, I think you would have to admit, it is not frequent that I switch my vote, usually on a Wednesday I am clear on an issue, I'll vote "yes" or "no", or abstain for further information. I am specifically voting "no" and changing my vote based on my appreciation for this issue and my reconsideration based on the information that was supplied by the Solicitor. I am not intended to pull any Monday or Tuesday morning surprises, I am clarifying why I changed my vote from last Wednesday's Standing Committee Meeting.

Mr. Cohen:

Well, you are basing it, if I may, on new information that you are bringing to this body at this moment without discussing it with us or providing us with that information that you --

The Chair:

Mr. Ricciardi.

Mr. Ricciardi:

Pardon me, Mr. President. We can't vote against these allegations, because if I did have a problem with a certain individual, an individual that you have named, I did not think he was good in a negotiations process, but Mr. Cohen is absolutely right. In your comments, Mr. President,

you mentioned an attorney's name and quote a reputation, or an allegation concerning union busting, that he might not be good for the negotiations. I do not know if that is true because I have not had a chance to talk to the gentleman to see his track record. And, on that note, that is why I think it is important that this bill is recommitted and people --

The Chair:

The Chair calls for a reconsideration vote. At this time we are voting anew on the issue of reconsideration and recommitting a Bill 796, 797 for the reasons stated.

Mr. Cohen, on recommittal?

Mr. Onorato:

Discussion on the recommittal.

The Chair:

There's no discussion, let's vote it up and down.

Mr. Onorato:

Why is there no discussion on the recommittal?

Mr. Cohen:

Point of order. I believe there's a Councilmember who would like to discuss this.

The Chair:

Excuse me. We're in the middle of a vote on recommittal. There are three people that are for it, I am obviously switching my vote to recommit the bill out of courtesy to Mr. Cusick and Mr. Ricciardi. We can sit here for another hour. Let's recommit the bill and discuss the matter tomorrow.

Mr. Onorato:

Well, discussion has to affect the vote.

The Chair:

Mr. Hertzberg, you voted "aye"?

Mr. Hertzberg:

Aye.

The Chair:

Mr. O'Connor?

Mr. O'Connor:

Aye on the recommittal.

The Chair:

Mr. --

Mr. Onorato:

No comment. I'm waiting for comment. I am not going to vote.

Mr. Ricciardi:

Aye.

Mr. Smith:

Aye.

The Chair:

Aye.

The bill is recommitted.

Mr. Ricciardi:

Thank you, Mr. President.

WHICH MOTION PREVAILED.

The Chair:

Mr. Onorato.

Mr. Onorato:

It's too late. My comments went to the actual vote. I mean if we're going to talk about somebody being a union buster, I mean obviously, regardless of how people feel about unions, I'm a very strong union person, but the point here is the negotiations between the Administration and union labor

contracts, that their prerogative, that's not our job here to decide at this point and bring up an allegation of union busting, where I've never heard of this individual; I don't know if it's true or not, and now we're going back and forth discussing; I don't understand what the recommittal is all about. Are we going to talk about this individual tomorrow and his track record and who he represents and if he busted union? I don't know how we could ever prove that tomorrow.

The Chair:

First of all, I did not accuse the individual of being a union buster.

Mr. Onorato:

That's what you said.

The Chair:

I accused the individual of working for a firm previously that has a reputation of being a union buster. I want to clarify that.

Mr. Cusick.

Mr. Cusick:

Mr. Onorato, in no way, when I asked for a motion to recommit, I don't feel comfortable at this time voting for this piece of legislation, and I just would ask that you give me that additional time. In no way do I want to bring any one individual's name to the table and discuss their background, just on the bill itself, I'm not real sure I want to vote in the affirmative.

The Chair:

Which goes back to my original point, is that we're going to have a discussion ad nauseam tomorrow without clarifying any information.

Other comments? Mr. Cohen, would you like if I have the last word on this.

Mr. Cohen:

We will talk about it tomorrow, and I hope tomorrow that you are able to support your allegations, Mr. President.

The Chair:

Thank you, Mr. Cohen.

Any other comments regarding any of the other bills? Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Smith
Mr. O'Connor	Mr. Ferlo
	(Pres't)

AYES 8 NOES none

(MR. ONORATO VOTING "NO" TO BILL NO. 798)

The bills having received the legally required number of votes are passed finally.

Also,

Bill No. 861

A Resolution entitled, "Resolution providing for the issuance of a $4,807.62 warrant in favor of Pittsburgh Animal Hospital, for veterinary services for police dogs, payment is requested without authority of law, payable from Code Account 1447-1, Index Code 144717,"(PRESENTED BY MR. COHEN)

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

The bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Smith
Mr. O'Connor	Mr. Ferlo
	(Pres't)

AYES 8 NOES none

And there being two-thirds of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 871

A Resolution entitled, "Resolution transferring a total amount $4,430,000.00 from Code Account 1, Index Code 000109, Interest on Bonds; Code Account 44-9, Index Code 004499, Workers Comp Medical Fund; Code Account 55, Index Code 005504, Policemen's Relief & Pension Fund; Code Account 1043, Index Code 104307, Miscellaneous Services; Code Account 45, Index Code 004507, Health Insurance Municipal Employees; to Code Account 2, Index Code 00208, Sinking Fund Bond Maturities."

Which was read.

Also,

Bill No. 880

A Resolution entitled, "Resolution transferring $50,000.00 from Code Account 1687, Index Code 168708, to Code Account 1660-1, Index Code 166017, Bureau of Environmental Services, Department of Public Works, and transferring $50,000.00 from Code Account 1687, Index Code 168708, Bureau of Environmental Services, Department of Public Works to Code Account 1700-1, Index Code 170019, Bureau of Parks Maintenance Department of Public Works.---(PRESENTED BY MR. RICCIARDI)---(AS AMENDED)

Which was read.

Also,

Bill No. 881

A Resolution entitled, "Resolution transferring Sixty-Four Thousand ($64,000.00) from Code Account 1043, Index Code 104307, Bureau of City Information , Mayor's Office to Code Account 1501, Index Code 150102, Bureau of Administration, Department of Public Works, and transferring Sixteen Thousand ($16,000.00) from Code Account 1687, Salaries, Regular Employees, Index Code 168708, Bureau of Environmental Services, Department of Public Works, to Code Account 1501, Premium Pay, Index Code 150102, Bureau of Administration, Department of Public Works.---(PRESENTED BY MR. RICCIARDI)--(AS AMENDED)

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

The bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Smith
Mr. O'Connor	Mr. Ferlo
	(Pres't)

AYES 8 NOES none

The bills having received the legally required number of votes are passed finally.

MR. RICCIARDI PRESENTED

Bill No. 931

Report of the Committee on Public Works for July 27, 1994 transmitting sundry resolutions to Council.

Also, with an affirmative recommendation,

Bill No. 801

A Resolution entitled, "Resolution authorizing the Mayor and the Director of the Department of Public Works to enter into an agreement or agreements, or the use of existing agreements with the Carnegie Institute and Informing Design, Inc., providing for the transfer to City of rights to graphics, specifications and other interests in connection with the Pittsburgh Wayfinder and Trailblazer Signage System and licensing of rights to Informing Design, Inc."

Which was read.

Also,

Bill No. 802

A Resolution entitled, "Resolution amending Resolution No. 161, effective March 16, 1994, entitled "Providing for a Contract or Contracts, or the use of existing Contracts, for a Wayfinder Signage program throughout the City of Pittsburgh and other work incidental thereto, and providing for the payment of the cost thereof," by increasing the total allocation by $500,000.00."

Which was read.

Also,

Bill No. 803

A Resolution entitled, "Resolution providing for the creation of a trust fund entitled "Wayfinder Signage Trust Fund," to receive and from which to disburse monies in connection with the City's Wayfinder Program. the trust fund will receive fees paid by project participants and will be used to pay costs associated with the design, installation, and maintenance of the project signs."

Which was read.

Also,

Bill No. 804

A Resolution entitled, "Resolution granting unto Kerotest Manufacturing Corporation with an address at 2525 Liberty Avenue, Pittsburgh, Pennsylvania 15222-4680, their successors and assigns, the privilege and license to construct, maintain and use t their own cost and expense, two (2) loading docks and concrete ramps on a portion of Dyke Street in the 15th Ward, 5th Council District of the City of Pittsburgh."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Smith
Mr. O'Connor	Mr. Ferlo (Pres't)

AYES 8 NOES none

The bills having received the legally required number of votes are passed finally.

MR. SMITH PRESENTED

Bill No. 932

Report of the Committee on Planning, Housing & Development for July 27, 1994 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 687

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Nine, Zoning, by eliminating the community parking area use and the major parking area use in the "C5" Golden Triangle District, by further regulating expansion of existing community parking areas and existing major parking areas in the "C5" Golden Triangle District and by specifically stating that a Project Development Plan must be approved by the Planning Commission prior to demolition of any building in the "C5" Golden Triangle District.--- (SPONSORED BY MR. SMITH & MR. FERLO)

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

The bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Ricciardi
Mr. Cusick	Mr. Smith
Mr. O'Connor	Mr. Ferlo
Mr. Onorato	(Pres't)

AYES 7 NOES 1

(MR. HERTZBERG VOTING NO)

The bills having received the legally required number of votes are passed finally.

Also,

Bill No. 812

A Resolution entitled, "Resolution providing for an Agreement (s) and Contract (s) with Consultant (s) and Vendor (s) to assist the City in improving its Citizen Participation Process and providing for the payment of the cost thereof at a cost not to exceed $140,000.00, chargeable to and payable from the 1994 Community Development Block Grant Program , Department of City Planning, "Citizen Participation & Technical Assistance", Project No. 4-35-01-0002-94-050-94-35, Index No. 613133."

Which was read.

Also,

Bill No. 813

A Resolution entitled, "Resolution providing for an Agreement or Agreements with Pittsburgh Partnership for operating and/or administrative expenses of their agency involves in a variety of community/economic development activities, at a cost not to exceed $420,000.00, chargeable to and payable from the 1994 Community Development Block Grant Program "Department of City Planning Project No. 4-35-01-4126-94-430-94-35, Index Code 6513158."

Which was read.

Also,

Bill No. 814

A Resolution entitled, "Resolution providing for an Agreement or Agreements with Community Based Organizations for community economic development planning assistance in various neighborhoods in the City and providing operating support for these groups in an amount not to exceed $600,000.00."

Which was read.

Also,

Bill No. 815

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to submit an application for Financial Assistance in the amount of $400,000.00 to Commonwealth of Pennsylvania, Department of Community Affairs for the Housing Site Acquisition and Development Program."

Which was read.

Also,

Bill No. 816

A Resolution entitled, "Resolution authorizing a 1994-1995 Housing Site Acquisition and Development Fund Program Cooperation Agreement with the Urban Redevelopment of Pittsburgh providing for the designation of $400,000.00 of Community Development Block Grant Program Funds and Housing Revenue Bond Funds as the Local Matching Share for a grant applied for in an application for Financial Assistance filed with the Pennsylvania Department of Community Affairs."

Which was read.

Also,

Bill No. 817

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to submit an application for Financial Assistance in the amount of $1,000,000.00 to the Commonwealth of Pennsylvania, Department of Community Affairs for the Housing Recovery Program."

Which was read.

Also,

Bill No. 818

A Resolution entitled, "Resolution authorizing a 1994-1995 Housing Recovery Program Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh providing for the designation of $1,000,000.00 of Housing Revenue Bond Funds as the Local Matching Share for a grant applied for in an application for Financial Assistance filed with the Pennsylvania Department of Community Affairs."

Which was read.

Also,

Bill No. 819

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to submit an application for Financial Assistance in the amount of $750,000.00 to the Commonwealth of Pennsylvania, Department of Community Affairs for the Rental Housing Development and Improvement Program."

Which was read.

Also,

Bill No. 820

A Resolution entitled, "Resolution authorizing a 1994-1995 Rental Housing Development and Improvement Program Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh providing for the designation of $750,000.00 of Community Development Block Grant Program Funds, Rental Rehabilitation Program Funds and Developer Private Investment Funds as the Local Matching Share for a grant applied for in an application for Financial Assistance filed with the Pennsylvania, Department of Community Affairs."

Which was read.

Also,

Bill No. 821

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to submit an application for Financial Assistance in the amount of $1,000,000.00 to the Commonwealth of Pennsylvania, Department of Community Affairs for the Neighborhood Housing Program."

Which was read.

Also,

Bill No. 822

A Resolution entitled, "Resolution authorizing a 1994-1995 Neighborhood Housing Program Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh providing for the designation of $1,000,000.00 of Pittsburgh Home Ownership Program Funds and borrower's down payments as the Local Matching Share for a grant applied for in an application for Financial Assistance filed with the Pennsylvania, Department of Community Affairs."

Which was read.

Also,

Bill No. 823

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to submit an application for Financial Assistance in the amount of $100,000.00 to the Commonwealth of Pennsylvania, Department of Community Affairs for the Start-An-Enterprise Program."

Which was read.

Also,

Bill No. 824

A Resolution entitled, "Resolution authorizing a 1994-1995 Start-An-Enterprise Program Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh providing for the designation of $100,000.00 of Authority funds and private contributions as the Local Matching Share for a grant applied for in an application for Financial Assistance filed with the Pennsylvania Department of Community Affairs."

Which was read.

Also,

Bill No. 825

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to submit an application for Financial Assistance in the amount of $400,000.00 to the Commonwealth of Pennsylvania, Department of Community Affairs for the Street Face Program."

Which was read.

Also,

Bill No. 826

A Resolution entitled, "Resolution authorizing a 1994-1995 Street Face Program Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh providing for the designation of $400,000.00 of Program Participant Private Investment Funds and Urban Redevelopment Action grant Repayment Funds as the Local Matching Share for a grant applied for in an application for Financial Assistance filed with the Pennsylvania Department of Community Affairs."

Which was read.

Also,

Bill No. 827

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to submit an application for Financial Assistance in the amount of $100,000.00 to the Commonwealth of Pennsylvania, Department of Community Affairs for the Facade Matching Grant Program."

Which was read.

Also,

Bill No. 828

A Resolution entitled, "Resolution authorizing a 1994-1995 Facade Matching Grant Program Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh providing for the designation of $100,000.00 of Community Development Block Grant Program Funds as the Local Matching Share for a grant applied for in an application for Financial Assistance with the Pennsylvania, Department of Community Affairs."

Which was read.

Also,

Bill No. 829

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to submit an application for Financial Assistance in the amount of $300,000.00 to the Commonwealth of Pennsylvania, Department of Community Affairs for the Pittsburgh Construction Loan Fund Program."

Which was read.

Also,

Bill No. 830

A Resolution entitled, "Resolution authorizing a 1994-1995 Pittsburgh Construction Loan Fund Program Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh providing for the designation of $300,000.00 of Pittsburgh Home Ownership Program Funds and Private and Conventional Lender Funds as the Local Matching Share for grant applied for in an application for Financial Assistance filed with the Pennsylvania Department of Community Affairs."

Which was read.

Also,

Bill No. 831

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to submit an application of Financial Assistance in the amount of $100,000.00 to the Commonwealth of Pennsylvania, Department of Community Affairs for the Golden Triangle Management Program."

Which was read.

Also,

Bill No. 832

A Resolution entitled, "Resolution authorizing a 1994-1995 Golden Triangle Management Program Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh for the designation of $100,000.00 of Authority, Foundation and other private contributions as the local matching share for a grant applied for in an application for Financial Assistance filed with the Pennsylvania Department of Community Affairs."

Which was read.

Also,

Bill No. 833

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to submit an application for Financial Assistance in the amount of $800,000.00 to the Commonwealth of Pennsylvania, Department of Community Affairs for the Urban Redevelopment Fund Program."

Which was read.

Also,

Bill No. 834

A Resolution entitled, "Resolution authorizing a 1994-1995 Urban Redevelopment Fund Program Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh providing for the designation of $800,000.00 of Community Development Block Grant Program Funds, Private Financing, and Foundation Funds as the Local Matching Share for a grant applied in an application for Financial Assistance filed with the Pennsylvania Department of Community Affairs."

Which was read.

Also,

Bill No. 835

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to submit an application for Financial Assistance in the amount of $500,000.00 to the Commonwealth of Pennsylvania, Department of Community Affairs for the Community Development Investment Fund Program."

Which was read.

Also,

Bill No. 836

A Resolution entitled, "Resolution authorizing the filing of an application for Financial Assistance in the amount of $600,000.00 with the Commonwealth of Pennsylvania, Department of Community Affairs for the Manchester Citizens Corporation Revitalization Project."

Which was read.

Also,

Bill No. 837

A Resolution entitled, "Resolution authorizing the filing of an application for Financial Assistance in the amount of $600,000.00 with the Commonwealth of Pennsylvania, Department of

Community Affairs For the Manchester Citizens Corporation Revitalization Project."

Also,

Bill No. 838

A Resolution entitled, "Resolution authorizing a 1994-1995 Manchester Citizens Corporation Revitalization Project Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh in connection with an application for Financial Assistance filed with the Pennsylvania Department of Community Affairs, in the amount of $600,000.00."

Also,

Bill No. 839

A Resolution entitled, "Resolution authorizing the filing of an application for Financial Assistance in the amount of $150,000.00 with the Commonwealth of Pennsylvania, Department of Community Affairs for the Breachmenders, Inc., Vacant Housing Project."

Also,

Bill No. 840

A Resolution entitled, "Resolution authorizing a 1994-1995 Breachmenders, Inc., Vacant Housing Project Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh in connection with an application for Financial Assistance filed with the Pennsylvania Department of Community Affairs, in the amount of $150,000.00."

Also,

Bill No. 841

A Resolution entitled, "Resolution authorizing the filing of an application for Financial Assistance in the amount of $780,000.00 with the Commonwealth of Pennsylvania, Department of Community Affairs for the Oakland Planning and Development Corporation Housing Revitalization Project."

Also,

Bill No. 842

A Resolution entitled, "Resolution authorizing a 1994-1995 Oakland Planning and Development Corporation Housing Revitalization Project Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh in connection with an application for Financial Assistance filed with the Pennsylvania, Department of Community Affairs, in the amount of $780,000.00."

Also,

Bill No. 843

A Resolution entitled, "Resolution authorizing the filing of an application for Financial Assistance in the amount of $600,000.00 with the Commonwealth of Pennsylvania, Department of Community Affairs for the Glen Hazel Citizens Associations, Inc., Housing Revitalization Project."

Which were read.

Also,

Bill No. 844

A Resolution entitled, "Resolution authorizing a 1994-1995 Glen Hazel Citizens Association, Inc., Housing Revitalization Project Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh in connection with an application for Financial Assistance filed with the Pennsylvania Department of Community Affairs, in the amount of $600,000.00."

Which was read.

Also,

Bill No. 845

A Resolution authorizing the filing of an application for Financial Assistance in the amount of $970,000.00 with the Commonwealth of Pennsylvania Department of Community Affairs for the Hill Community Development Revitalization Project.

Which was read.

Also,

Bill No. 846

A Resolution entitled, "Resolution authorizing a 1994-1995 Hill Community Development Corporation Revitalization Project Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh in connection with an application for Financial Assistance filed with the Pennsylvania Department of Community Affairs, in the amount of $970,000.00."

Which was read.

Also,

Bill No. 847

A Resolution entitled, "Resolution authorizing the filing of an application for Financial Assistance in the amount of $1,000,000.00 with the Commonwealth of Pennsylvania, Department of Community Affairs for the North Side Tenants Reorganization, Inc., Rehabilitation Project."

Which was read.

Also,

Bill No. 848

A Resolution entitled, "Resolution authorizing a 1994-1995 North Side Tenants Reorganization, Inc., Rehabilitation Project Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh in connection with an application for Financial Assistance filed with the Pennsylvania, Department of Community Affairs, in the amount of $1,000,000.00."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Councilman Hertzberg.

Mr. Hertzberg:

I think I've got the right phase here now to talk about Bill No. 687.

The Chair:

You're on.

Mr. Hertzberg:

And, this would, among other things, abolish minor parking in the Golden Triangle area. I would like to have my comments brought forward on that, and I know there was some discussion about possibly recommitting or holding this a little longer and for some more input, Mr. President, or is it the intention of the sponsors to get it to a final vote now?

(REMARKS – SEE ADDENDUM)

The Chair:

Their intention is to move along. There may be some other issues that will come up in the fall regarding the bill.

Mr. Hertzberg:

I am going to continue to vote "no" on this. I am in favor of the general concept of regulating the minor parking in the Golden Triangle District. I agree with the perception of a lot of the people that spoke at the public hearing, that we are ripping down a lot of good buildings and just to put some asphalt there and some parking there, and a lot of it is inappropriate. But, I think abolishing that use totally in the Golden Triangle District goes a little bit too far, and that is why I am going to be voting "no". I can just see the people driving around in their cars during the season when the parking spaces are the hardest to find and when, in fact, there are no parking spaces in Downtown. With some comments and some words that I can imagine and I won't repeat publicly, they may call some of us, and also for some of the merchants, when their people receive parking tickets for parking in "no parking" zones because they cannot find any other parking spaces.

The Chair:

Thank you, Mr. Hertzberg. Other comments? Councilman O'Connor.

Mr. O'Connor:

I agree with a lot of what Mr. Hertzberg said, but speaking with you, I will support this bill, with the understanding that you and the Planning Commission, in the fall, as you stated, would work in good faith with Downtown developers and business real estate interests to come up with some temporary use for these facilities, whether they be tax incentives or temporary parking lots. So, on that condition, I will vote in favor.

The Chair:

Thank you, Mr. O'Connor. Other comments? Mr. Cohen.

Mr. Cohen:

I just would like my comments brought forward, Mr. President.

(REMARKS – SEE ADDENDUM)

The Chair:

Thank you.

Mr. Cohen:

And, I would also like to just add, very briefly, just to support what Mr. O'Connor said and to support your initiative to be able to work with Downtown developers to make sure that this bill is not a hardship for them but rather protects the entire Downtown.

The Chair:

I would like my comments brought forward on Bill 687.

(REMARKS – SEE ADDENDUM)

The Chair:

To Mr. Smith, on Bill 814, regarding the ACCBO funding, the resolution expends $600,000.00, the memo from the Planning Director indicated a list of 405,000 going to a list of community organizations. We specifically asked for where the balance is going to go. I don't know that we have received a memo. I have not, I don't know if the City Clerk did, I don't know if you did as Chairperson, but we would like to know what the balance is, and accordingly, I would respectfully ask that we have a motion to recommit Bill 814, we can still vote on it finally tomorrow.

Mr. Hertzberg:

So moved.

MR. SMITH seconded the motion.

The Chair:

Discussion? All in favor?

WHICH MOTION PREVAILED.

The Chair:

That's on Bill 814. Again, we're asking the Planning Director to be here tomorrow and give us the additional information that we had requested.

Other comments?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Smith
Mr. O'Connor	Mr. Ferlo (Pres't)

AYES 8 NOES none

The bills having received the legally required number of votes are passed finally.

The Chair:

Thank you. I would like the public record to reflect that Bill 687, regarding the zone change regarding Downtown parking, had an affirmative vote of seven members of Council, thereby meeting any legal requirement or concern

addressing any significant change to the bill since we did amend it. So, it would meet any issues legally regarding Council's version being different from the actual report and recommendation of the Planning Commission.

Other comments?

I'll move directly to Motions and Resolutions.

MOTIONS AND RESOLUTIONS

The Chair:

Remember we are going to be recessing this meeting and meeting directly again tomorrow after the Standing Committees Meeting to deal with any bills that we did not address today, albeit the outside solicitor, the conditional use and the ACCBO funding.

Other comments under Motions and Resolutions? Mr. Cusick.

Mr. Cusick:

Mr. Ferlo, in regards to Bill 798 that we passed today. I had a phone call from a Mr. Kurt Dittmer, lives on Dartmore Street in my district. He has offered his services in regards to the military spending bill that we passed today. I would like for the City Clerk to forward this to the Finance Director and to the consultant that we are hiring and hopefully they will utilize Mr. Dittmer's professional opinion.

The Chair:

Thank you very much. I would ask the Clerk to please forward that information to Director Hennigan from Finance. As you know, we did amend that bill, Mr. Cohen had amended it down to be a 7,000 allocation instead of 10,000.

Other comments? Councilman Cohen.

Mr. Cohen:

Thank you, Mr. President. For those residents who are not going to the Elton John/Billy Joel concert tonight, there is a National Night Out tonight and it is really a great, great series of events all over the City of Pittsburgh, and there are many, many National Night Out parties in the streets of our various neighborhoods, NeighborFair lists 38 of them, I am sure there are many more that did not even get on the NeighborFair list. I just want to encourage everybody to come out if they can to the party in their neighborhood in support of our police officers and in support of our Block Watches. Unless there is a partnership between the police and the neighborhoods we're not going to be able to solve this crime problem, and if you are not able to go to the actual Block Watch parties, then at least turn your light on tonight, because that is what this is all about, to make sure that we can take back the darkness and solve our crime problems.

So, I just want to congratulate the Public Safety Department, NeighborFair, and particularly the Zone Public Safety Councils, all six of them, for working so hard and hope that we have a terrific night tonight. Thank you.

The Chair:

Thank you, Mr. Cohen. Other comments?

We have a post agenda immediately following this meeting regarding some needs in the Phillips Park area in Carrick, and we would ask that the appropriate department directors be present for Mr. Cusick's post agenda meeting on Phillips Park.

Any other comments?

I want to remind the public, there is a correction that is needed in an editorial from Citizen Craig, the Editor of the Post Gazette, he made comment that there's a post agenda meeting Thursday regarding the Witness Protection Program, that issue is actually before us tomorrow, Wednesday. We have a very varying degree of individuals, a number of individuals from various Law Department branches of government to discuss this of the Witness Protection Program, and that is tomorrow immediately following City Council's meeting.

Again, we have a post agenda meeting immediately following this meeting.

Well, we'll take a motion to approve the minutes.

Mr. Hertzberg:

So moved.

MR. SMITH seconded the motion.

WHICH MOTION PREVAILED.

The Chair:

Now, we will have a motion to recess. Mr. Smith.

Mr. Smith:

Before you do that, just a point that I would like to bring out. We are doing an awful lot of work in our water system in the City. What occurred in the Hill District was there was not a notification that the water would be off for a number of hours. I do not think anyone would be against the City repairing and updating the system, I just think we need to follow through in the contractual agreement of notification to a community and we need to go back and monitor whether they have been in compliance. We received numerous phone calls of no water service yesterday, and I think that it is a faux pas on either our monitoring or the company not understanding what they need to do. So, I would like to just bring that issue to the table for my fellow Councilpersons, who will also probably face one of these moments, and I will be working with Councilman Ricciardi, who is the head of Water, in trying to address this issue.

The Chair:

Thank you very much. I know there are procedures in place, but I know Mr. Ricciardi will follow-up on it.

Mr. Ricciardi:

Yes, I think Councilman Smith brings up some very good points that I would like to work with him on. Let me just say, through his initiative, Dan Construction, who is doing the work, their minority participation is at 47 percent, and currently hopefully some of the employees will also reflect that type of percentage, and that is all through the initiative of Councilman Smith. So, he is following this contract very closely over those last few months. Thank you.

The Chair:

Thank you very much. Any other comments under Motions and Resolutions?

We need a motion to recess this meeting and meet again tomorrow, Wednesday, August 3rd immediately following the Standing Committees.

And on the motion of MR. SMITH

Council recessed.

Pittsburgh, PA
Wednesday, August 3, 1994

And the hour of recess having expired, Council reconvened.

The Chair:

I would like to call the City Council Legislative Recessed Session back to order for the purposes of voting in final on a few of the pieces of legislation we had preliminary votes on minutes ago. Accordingly, the Legislative Session of yesterday is reconvened. We will dispense with the reading of the roll.

I would ask at this time that we take a vote on several bills, two being the Resolutions appointing Ms. Conser, Ms. Bursin to the Board of the Human Relations Commission, and I would ask the City Clerk to read those two bills at this time.

UNFINISHED BUSINESS

THE CHAIR PRESENTS

No. 913 Resolution reappointing Barbara Burstin, 1435 Bennington Avenue, Pittsburgh, PA 15217, as a Member of the City of Pittsburgh's Human Relations Commission, for a term to expire July 1, 1998.

Which was read.

Also,

No. 914 Resolution reappointing Lu Conser, 834 Beech Avenue, Pittsburgh, PA 15233,

as a Member of the City of Pittsburgh's Human Relations Commission, for a term to expire July 1, 1998.

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Smith
Mr. Onorato	Mr. Ferlo (Pres't)

AYES 6 NOES none

The bills having received the legally required number of votes are passed finally.

REPORTS OF COMMITTEES

The Chair:

At this time I would ask for a Report of Finance, Mr. Onorato, Chair, regarding the bond issue, Bill 781.

MR. ONORATO PRESENTED

Bill No. 933

Report of the Committee on Finance for August 3, 1994 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 781

A Resolution entitled, "Resolution authorizing and directing issuance of a series of General Obligation Bonds, Series of 1994A, in the aggregate principal amount of Thirty-Seven Million Dollars ($37,000,000) pursuant to the Act of the General Assembly of the Commonwealth of Pennsylvania."

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Smith
Mr. O'Connor	Mr. Ferlo (Pres't)

AYES 8 NOES none

The bill having received the legally required number of votes passed finally.

The Chair:

Please read the bills from Planning, Housing & Development, Mr. Smith, Chair.

MR. SMITH PRESENTED

Bill No. 934

Report of the Committee on Planning, Housing & Development for August 3, 1994 transmitting two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 550

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Nine, Zoning, Article III, Chapter 921, Section 921.02, Zoning District Map No. 5, by changing from "C1" Neighborhood Retail District to "RP" Residential Planned Unit Development District, all that certain property bounded by Brighton Road, Goe Avenue, Parviss Street, Lot 134, Block 114-S in the Allegheny County Lot and Block System, Lot 130, Block 114-S in the aforesaid System, and Lot 124, Block 114-S in the aforesaid System, 27th Ward."

Which was read.

Also,

Bill No. 553

A Resolution entitled, "Resolution approving a conditional use exception under Section 993.01(a)A(33) of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993, to the National Council of Senior Citizens/USA Housing Development Corporation for authorization to construct a four-story structure with 42 units of housing for the elderly and 1 unit for a resident manager at 3710 Brighton Road with parking to accommodate 13 automobiles on property zoned "RP" Residential Planned Unit Development District, 27th Ward."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Mr. Onorato:

Discussion.

The Chair:

Mr. Onorato.

Mr. Onorato:

Thank you. Councilman Ricciardi brought up a very good point about the noise and just the visibility of the air condition structure. I was informed by Mr. Brown in Zoning that right now the proposed site has the air condition in the middle of the structure on the roof, which is the farthest point from any residential structure; I was also informed that if we should decide, or if residents decide that a better location should come forward, that the Zoning Board still has to approve the final plan and the URA also has to approve the final plan. So, there are other checks and balances to address the air conditioning unit.

The Chair:

Other comments or concerns or discussion?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Smith
Mr. O'Connor	Mr. Ferlo (Pres't)

AYES 8 NOES none

The bills having received the legally required number of votes are passed finally.

The Chair:

Other comments or discussion? Motion to adjourn for the post agenda.

And on the motion of MR. COHEN

Council adjourned.

(MESSRS. HERTZBERG, COHEN & FERLO'S COMMENTS)
(BILL NO. 687 - Wednesday, 7-27-94)

Mr. Ferlo:

Okay. The actual bill that is now the subject of this discussion is the actual report and recommendation of the legislation as amended by the Planning Commission. You have the copy of that on the table.

At this time I would like to offer a specific amendment to that legislation, which I believe you also have before you. This puts back in to our original bill what was considered an accessory use which would allow adjoining properties to be connected with an existing structure and parking would be allowed as a minor accessory use, but parking would only be allowed with the proper landscaping review by the Zoning Board and cannot be used for commercial purposes. An example would be, let's say somebody has an office building, they buy a small lot next door, they want to connect it to their property for minor accessory parking to their existing structure. The Planning Commission amended the bill further, which I concur with and I know Councilman Smith does, that we want proper landscaping design approved by the Zoning Board.

Obviously the Commission would consider this a weakening of the bill. I think we need to be realistic, and if I can just speak generally on the bill and my amendment. But I would like to make the amendment.

(Deleted text.)

Mr. Ferlo:

You want to discuss it? I don't know if Council feels ready to vote on the amendment. We will discuss the amendment first.

The bill in general and the amendment in particular, the amendment in particular actually restores the bill which was originally submitted by myself and Mr. Smith originally, which would allow for minor accessory use.

I think we know fundamentally the intent of the bill: It is to protect and preserve and stem the tide of a very important development that is happening in the Downtown area, and that is the loss of prime retail and commercial office storefronts being demolished, only to have a sea of surface parking lots. We need to intervene as the legislative body with the Commission and stem the tide of what has been developing in the Downtown area. We don't need the Downtown to lose important office structures, storefronts. The highest

Mr. Ferlo:

Can I respond a little bit? First of all, I agree with much of what you say. I think clearly we had testimony by the owners of the Gregg Company that own a couple parcels on Liberty Avenue in the midst of a very important cultural district in the middle of an important street face. The reason I am so supportive of this bill is right now we have no tools. We continue to see the demolition and diminishing of the important viability of the Downtown corridor. If we support this -- I think we need a one/two punch here: One, we need to control land use policy, two, we need an Administration, the URA -- and I think they are prepared to do this -- to intervene and work proactively with these property owners to get them the assistance they need to develop their property. If we don't act now and act quickly, we will see the further demolition of important buildings such as the Klein's Restaurant, and I can list eight or nine that have been destroyed in the last year. This attempts to immediately stave off what the reality is by effectively using the land use policy to our benefit.

Administratively, however, I agree with you. Administratively following the passage of this bill, we need a swat team of Planning and URA and the Mayor's office to work with these individual property owners. We have a multi-million dollar investment in the cultural trust area, only to see two very important, actually historic buildings as far as I am concerned, potentially be demolished because of the need for some surface parking lot. So I see these as complementary. I see this as the immediate intervention to control the land use, and it is complemented by a more aggressive Administration who is going to work proactively with these property owners to develop their property. I agree with you, it is a burden and they need it. But if we don't support this bill, we know what will happen: They will undermine the bill's intent by demolishing the building and being allowed to have parking. I would not like to see that happening.

(Deleted text.)

Mr. Ferlo:

Unlike a Zoning Code amendment where we are affecting thousands and thousands of properties city-wide when we amend the "R1" zone, this is a very -- this is a microcosm; this is a very limited amendment to the land use policy only in the Downtown corridor, "C5" area. The reason why there wasn't much protest and, in

Ms. Hirsh:

The prohibition is less one on the public, because these minor parking lots scarcely serve the public. The prohibition is really one on the building owner.

Mr. Hertzberg:

I am a member of the public that has made use of almost every parking lot in Downtown.

Ms. Hirsh:

We all do when we can find a spot, but 20 or 40 spaces here or there is not like 900 spaces.

Mr. Hertzberg:

I agree with you. But I am concerned that we get ourselves into a situation -- we have a parking problem in town.

Mr. Ferlo:

You done tear Downtown down to provide parking, then you don't have a Downtown.

Mr. Hertzberg:

We can control this without an outright prohibition, I think that is what Mr. O'Connor is getting at and that is my concern. There are a number of devices in a zoning ordinance that allow us to have control and require the showings that are already into the zoning ordinance when you have to require things like conditional uses or special exceptions.

Ms. Hirsh:

But there is no prohibition in the zoning ordinance at the moment.

Mr. Hertzberg:

There is nothing at all right now and I agree that is wrong, 100 percent. We should have been controlling this in some method. My concern is that we are going a little too far here with the control.

Mr. Ferlo:

Procedurally, again I think you are speaking

Mr. Cohen:

Thank you, Mr. Chairman. Let me state my position. I support the bill, I support the amendment. I will refrain from giving my comments in support of the bill until the entire bill comes up. But I think the amendment is practical.

I am not voting for this amendment for one property, I want to make that very clear. I think there are lots of properties all over the city that are in this situation. I think it is a narrow area where a minor parking area that is adjacent to a current building would be exempt and I think that makes a lot of sense as a practical matter. I support the amendment and I think we should go head with the vote.

(Deleted text.)

Mr. Ferlo:

Again I would ask for expeditious approval here today of this bill. It is not a substantive change from the original bill and I think we can move on it today. I think if the Planning staff wants to continue to work with my other colleagues on other aspects of the bill, maybe allowing some type of a plan being submitted for temporary use, that is their prerogative. But I want to win something on this issue because we have seen in the last year in particular the demolition and destruction of some very important structures in the Downtown. We need to intervene. We are already late in intervening as far as land use policy and I ask that we approve this. I hope it has majority support.

(Deleted text.)

Ms. Hirsh:

I just think that this is a substantive change from the bill that the Commission passed, and therefore, I think it needs to come back to the Commission.

Mr. Ferlo:

Fortunately, you are not a lawyer, but you are the Planning Director. The fact of the matter is this actually is returning the bill to its original form as we had submitted it. It is true, we did ask and we did receive -- which is all we are required to do -- a report and recommendation from the Commission. My argument is that if there are seven votes for passage of this bill as amended, that legally meets the constraints

(MR. HERTZBERG'S COMMENTS ON BILLS NO. 796 & 797)
(Wednesday, 7-27-94)

Mr. Hertzberg:

I think I have spoken against these kind of expenditures in the past and I am against this one. I think we have sufficient expertise, we are spending sufficient money on the Solicitor's budget where we don't need to be hiring outside counsel for these things. It is going to be a recurring expense. There are labor contracts maybe not every year, but if not every year, every other year, and we should continue to develop in-house expertise instead of going outside of our Solicitor's office. Especially when we have the operating budget deficiencies that we have this year, I think it is not an expense that we should be making.

I am also concerned with what expenses are getting priority right now, particularly when I am being told that the issue of the school based community center program director position is again being revisited by the Administration.

Mr. Sirabella:

It is not.

Mr. Hertzberg:

I hope not, because word has come to me from a couple of directions.

Ms. Morrow:

Your first point, you raised that issue before and I have heard you. I made that analysis. The fact is we don't need more than the two and a half lawyers ongoing in the labor group. I am happy to have as many lawyers as possible, but it wouldn't be wise to bring in more lawyers to do labor negotiations when at the end of this process, I wouldn't need them for that. And when you hire lawyers, it is not just the lawyer, you have to bring in support staff, so the costs -- I did that cost analysis and it seems to me that it is at worst roughly equivalent to making a one time expenditure as opposed to bringing in lawyers that I wouldn't need.

Mr. Hertzberg:

That assumes lawyers and their support staff can only work in one area of the law. There are some out there like that --

(MESSRS. COHEN & ONORATO'S COMMENTS ON BILL NO. 798)
(Wednesday, 7-27-94)

Mr. Cohen:

I agree with Councilman O'Connor on that. I guess I would like to broaden it a little bit, not this particular study, but I am wondering whether have you looked at the issue of how much federal funding we are getting in other areas, too, as well as defense areas? Obviously, there is a close connection and that is that we want to be able to get federal funding to stimulate real job growth here in the City of Pittsburgh. I am wondering if you looked at it or plan to look at that.

Ms. Deitrick:

Yes. We want to do the accounting of the dollar flows going in and out, so it would be taxes going out and revenues coming in and grouped by those types of programs.

Mr. Cohen:

Just for defense?

Ms. Deitrick:

Defense, education and training, community development. The large, you know, the biggest -- we want to compare the defense money outlays to the largest urban economic development labor and training social services moneys.

Mr. Cohen:

Have you ever looked at it in comparison to other cities of similar size?

Ms. Deitrick:

We have some studies that have done that. In terms of what we are doing, that would probably be a little bit beyond the scope of the project. But we can use the largest indicators to compare them against other cities.

Mr. Cohen:

I would very much like to see that and like to get your name and number because, I thought for some time that we are not getting the federal funding we deserve. I could go through many, many different areas. It is

doing this. $10,000.00, I don't know what kind of report we can produce for $10,000.00. I don't think we will bring back hundreds of thousands of dollars from the federal government because of the effect of defense spending in the city. I just disagree with the policy here. I am very frustrated in that we have a very tight budget and there are a lot of projects in my district which I am sure we can go around the table that they said no to because of tightening the belt, and we all agree and are working with them, but a lot of projects have been cut back. I look at this as an area that should definitely be cut back. I don't think it is worth spending 10,000. I oppose it.

(END OF REMARKS.)
Transcribed by: Helen L. Kriebel
Stenotype Reporter

MUNICIPAL RECORD

Proceedings of the Council of the City of Pittsburgh

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Municipal Record

ONE-HUNDRED TWENTY-EIGHTH COUNCIL

JIM FERLO.....President
LINDA M. JOHNSON-WASLER.....City Clerk
KURT J. SALAC.....Asst. City Clerk

Pittsburgh, PA
Monday, August 8, 1994

PRESENT:

Mr. Cohen	**Mr. Ricciardi**
Mr. Cusick	**Mr. Smith**
Mr. Hertzberg	**Mr. Ferlo**
Mr. O'Connor	**(Pres't)**

ABSENT:

Mr. Onorato

The Chair:

City Council's Legislative Session will now come to order. Will the City Clerk please call the roll.

I would like to begin this session with the formal Pledge of Allegiance. At this time I am very honored to have Clevon Owens; he's age 15; he's entering Langley High School next year; he's a resident of Homewood, and we are very pleased that he is going to lead us in the Pledge of Allegiance. Clevon.

Clevon Owens:

I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with Liberty and Justice for all.

The Chair:

Would you all please remain standing for a moment of silent prayer so that we may have peace throughout the world.

Thank you. Thank you, Clevon.

PRESENTATIONS

The Chair:

I see we have a number of guests here in the audience today, and at this time I would like to call on Councilman Alan Hertzberg.

Mr. Hertzberg:

A number of these guests are associated with the Pittsburgh Partners in Parks Program and particularly with some projects that have taken place at Schenley Park, and I would like everyone that was involved to come forward, which would include, first, Myrna Antonio Hall of Partners in Parks, don't try to hide, Myrna; Faith Gallo, Director of Parks and Recreation, I see Faith here; also, Dorothy "Dodie" Saxer, a volunteer with Partners in Parks; Darlene Veltri, the Assistant Warden at the Federal Correctional Institution in Morgantown; Mike Malone, Inmate Systems Manager at the Federal Correctional Institution in Morgantown; Marsha Davis, who is here with the Prison Fellowship. I would also note that Dodie, who has done an extensive amount of volunteer work for this project, has a lot of family and friends also here to see her receive this commendation from us.

Let me just briefly outline what this program was all about sponsored by Partners in Parks and it involved a lot more people than that, involved is Prison Fellowship, and also involved, the Federal Correctional Institution in Morgantown; it involved the U.S. Attorneys Office; it involved a whole lot of people, and the project that has been done so far was at Schenley Park at Panther Hollow, and extensive work was done there, primarily by inmates from the Federal Correctional Institution, Morgantown, and it took a great deal of effort and planning to get this done, and that was held July 9th and July 10th, and on August the 13th, we're going over to the North Side, Riverview Park, a similar project will take place. Again inmates will be coming from the Federal Correctional Institution in Morgantown; again this is being coordinated through Partners in Parks.

And, let me start with the resolution honoring "Dodie", and I am just going to read through; we've got three different resolutions for three different entities involved here.

MR. HERTZBERG PRESENTS

No. 935 WHEREAS, Dorothy Saxer, a volunteer for Partners in Parks, has unselfishly given her time to coordinate three pilot projects using prisoners and other volunteers from the criminal justice system, in restorative projects in Pittsburgh City Parks, the first of which was conducted in Schenley Park at Panther Hollow on July 9-10, 1994, the second will be in August in Riverview Park and the third will be in September at McKinley Park; and,

WHEREAS, with the extensive efforts of the U.S. Attorney's Office, there has been involvement from many segments of the criminal justice system, the largest contingent being prisoners from the Federal Correctional Institution at Morgantown, West Virginia; and,

WHEREAS, Dorothy has worked full time without pay contacting businesses, community organizations and churches, soliciting funds, transportation, equipment and food; and,

WHEREAS, Dorothy oversaw the entire two-day Schenley Park Panther project from beginning to end, coordinating the many volunteers, and making sure all tasks were performed efficiently; and,

WHEREAS, due to her tireless efforts, the project was an overwhelming success; and,

WHEREAS, eight projects were completed included weeding, planting, edging, mulching, clearing the 700 ft. diversion channel of accumulated debris and silt, redirecting water into the lake by clearing rock and dirt from the entrance of the diversion channel, repairing and painting a 30 ft. fence, and clearing vegetation and debris from the steps to Anderson playground; and,

WHEREAS, the volunteers of this project are eager to participate in the next project at Riverview Park and up to an additional 100 inmates have expressed their desire to volunteer.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby recognize Dorothy Saxer for her volunteer work for Partners in Parks and for her tremendous public service to the citizens of Pittsburgh.

MR. HERTZBERG moved to adopt the resolution.

MR. SMITH seconded the motion.

WHICH MOtion prevailed.

Mr. Hertzberg: Let me read on.

MR. HERTZBERG PRESENTS

No. 936 WHEREAS, Reverend Stephen A. Stevens, Area Director of Prison Fellowship in Western Pennsylvania, was essential to the success of the first of three pilot projects that utilize volunteers from the criminal justice system, including prisoners, in restorative projects in Pittsburgh City Parks, the first project being at Panther Hollow in Schenley Park; and,

WHEREAS, Prison Fellowship is a worldwide Christian Organization founded by Charles Colson in 1976, whose purpose is to provide Christian Ministry through the Church to prisoners, ex-prisoners, victims and their families; and,

WHEREAS, Reverend Stevens was instrumental in securing volunteers from

community organizations and various churches in the City of Pittsburgh, funding the transportation of federal prisoners from West Virginia to Pittsburgh, and providing lunches; and,

WHEREAS, with Reverend Stevens' friendly motivation, positive attitude, and dedicated work ethic, he brought an uplifting atmosphere to the overall project.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby congratulate Reverend Stephen A. Stevens of the Prison Fellowship for his public service to the citizens of Pittsburgh and for the overwhelming success of the Partners in Parks Criminal Justice Project.

MR. HERTZBERG moved to adopt the resolution.

MR. COHEN seconded the motion.

WHICH MOtion prevailed.

Mr. Hertzberg:

And, the third resolution.

MR. HERTZBERG PRESENTS

No. 937 WHEREAS, the Federal Correctional Institution of Morgantown was essential in the success of the first of three Criminal Justice/Partners in Parks projects conducted in Schenley Park at Panther Hollow on July 9 and 10, 1994; and,

WHEREAS, 27 inmates and other volunteers completed eight projects including weeding, edging mulching, clearing the 700 ft. diversion channel of accumulated debris and silt, redirecting water into the lake by clearing rock and dirt from the entrance of the diversion channel, repairing and painting a 30 ft. fence, clearing vegetation and debris from the steps to Anderson playground; and,

WHEREAS, this weekend was an overwhelming success due in a large part to the cooperative and respectful attitude and excellent work effort put forth by the men who volunteered from FCI Morgantown; and,

WHEREAS, It is a tribute to FCI Morgantown's personnel, particularly Darlene Veltri and Mike Malone, for their diligent screening effort and the many extra work hours spent processing the necessary papers and the inmates.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby commend FCI Morgantown and the inmate volunteers for their public service to the citizens of Pittsburgh and their tremendous efforts in the success of the Partners in Parks project.

MR. HERTZBERG moved to adopt the resolution.

MR. CUSICK seconded the motion.

WHICH MOtion prevailed.

Mr. Hertzberg:

And, I hope some of you will address, and first, "Dodie" Saxer.

Ms. Saxer:

I would just like to thank the City of Pittsburgh, and Faith Gallo, Myrna Antonio Hall, the City Police, and all the people that were so cooperative in helping us get this program off the ground. I am also very grateful to Prison Fellowship for the help that they gave and direction and providing such a good atmosphere for this project to go forth, and I hope that this program can be continued in the future, as it was a positive experience for all concerned. Thank you.

The Chair:

Thank you.

Mr. Hertzberg:

"Dodie" has been working as a volunteer with Partners in Parks, putting in at least 40 hours a week for the past few weeks to put this all together, and she is continuing to do that for the next two projects.

And, could we hear from Darlene Veltri from Morgantown.

Ms. Veltri:

The Bureau of Prisons likes to get involved with community projects, and we really happy to help Pittsburgh and help beautify Schenley Park. We hope that by our next effort double the inmate population will be going out, and I would like to thank the staff, who really helped with the screening and making sure that we had a motivated and appropriate work force to go out to the Pittsburgh area. Thank you.

The Chair:

Thank you.

Mr. Hertzberg:

Marsha Davis.

Ms. Davis:

On behalf of Reverend Stephen A. Stevens, Area Director of Prison Fellowship in Western Pennsylvania, we would like to thank the City's in Parks Program, "Dodie" Saxer, U.S. Attorney Fred Thiemann, the United Way, for allowing Prison Fellowship to be a part of such a vital project. We hope that we will be able to work with you in the near future on more projects, and we say, thank you and God bless you.

Mr. Hertzberg:

Myrna Antonio Hall, Partners in Parks.

Ms. Hall:

On behalf of Partners in Parks, I would like to thank "Dodie" Saxer, Darlene Veltri and Mike Malone from FCI Morgantown, as well as Prison Fellowship and Marsha Davis and everyone from there and the staff of Partners in Parks for everything that they have done to pull this project together. Thanks.

The Chair:

Thank you.

Mr. Hertzberg:

Last, the law enforcement entity that did the most work on this was the U.S. Attorneys Office, and I have a letter here from the United States Attorney Frederick Thiemann. "Thank you for your kind invitation to attend the presentation of a resolution honoring "Dodie" Saxer, Partners in Parks, and Reverend Stephen Stevens, Area Director of Prison Fellowship, for their implementation efforts of the Criminal Justice/Partners in Parks Pilot Program; unfortunately, due to a scheduling conflict I am unable to attend, but I do not wish to miss the opportunity to publicly thank both "Dodie" Saxer and Reverend Stevens, as well as the many other prison Fellowship volunteers who took part in the project. As you know the pilot project uses volunteers from the Criminal Justice System for restoration and beautification projects in Pittsburgh City Parks. With respect to the first project in Schenley Park during the weekend of July 9 and 10, 1994, the benefits of the program to the Panther Hollow Lake area of Schenley Park is obvious to any casual visitor to Panther Hollow. The project provides an opportunity for taxpayers to see that the Criminal Justice System can provide benefits back to the community in a positive way. The efforts of Reverend Stevens and "Dodie" Saxer in implementing the program are invaluable, and I join you and the other members of City Council in honoring "Dodie" Saxer and Reverend Stephen Stevens for their contributions to Citiparks."

Thank you everyone.

The Chair:

Thank you all very much.

Mr. Hertzberg:

I have one other resolution here, Mr. President. Is Carl Mancuso in the audience? I would read this into the record but I -- I know I would just let it go through without reading it, but I think Carl Mancuso is a past employee of the City of Pittsburgh who deserves recognition on City Council right now and deserves to have this read into the record in its entirety. Carl was the Assistant Director of Parks and Recreation, he recently retired to take another job in the private sector, and I have this resolution honoring an outstanding public servant who has consistently given all of his effort and extensive amounts of time to help Parks and Recreation in the City of Pittsburgh.

MR. HERTZBERG PRESENTS

No. 938 WHEREAS, Carl A. Mancuso has diligently served the City of Pittsburgh and its citizens for thirteen years; and,

WHEREAS, during Carl Mancuso's tenure with the City, he held the prestigious positions of Superintendent, Acting Director and Assistant Director for the Department of Parks and Recreation; and,

WHEREAS, Carl has been instrumental in professionalizing the Bureau of Parks, promoting its image through the CITIPARKS name change, providing quality service for all populations across the city, especially our youth and senior citizens, and has been active in many city-wide events, including The Great Race, the Fourth of July Celebration, and The Pittsburgh Children's Festival, to name a few; and,

WHEREAS, Carl has been an active participant on many committees, including the Pittsburgh Youth Advocacy Commission, the Riverview Park and Schenley Park Centennials, Healthy Start, Family Self Sufficiency Advisory Committee, Open Doors, Partners in Parks, Mayor's Task Force on Child Care, Partners in Education, and the Vietnam Veteran's Monument Committee; and,

WHEREAS, Carl has been affiliated with dozens of professional organizations, and has received numerous awards and honors for his contributions and leadership; and,

WHEREAS, Carl Mancuso has accepted a new position outside the realms of City government, and on Sunday, August 28, 1994, family, friends and constituents will honor Carl at a reception to be held at the Pittsburgh Civic Garden Center; and,

WHEREAS, Carl Mancuso's spirit, intellect and immense concern for all Pittsburghers has earned him the admiration and respect of all whose lives he has touched.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh gives its highest commendations to Carl Mancuso for his exemplary service to the City of Pittsburgh, and extends best wishes for continued success as he begins this new era of challenge.

SPONSORED BY COUNCILMEMBERS ALAN HERTZBERG, DAN COHEN, JOE CUSICK, JIM FERLO, BOB O'CONNOR, GENE RICCIARDI AND CHRISTOPHER SMITH.
MR. HERTZBERG moved to adopt the resolution.

MR. SMITH seconded the motion.

WHICH Motion prevailed.

The Chair:

Thank you, Mr. Hertzberg. Do you have any others to be read into the record? Proclamations?

Mr. Hertzberg:

I don't think.

The Chair:

Thank you very much. Councilman Smith.

Mr. Smith:

Mr. Johnston and everyone associated with the Salvation Army and the Greater Pittsburgh Community Food Bank. Oh, I see, we have two representatives. That's okay, come on up. Nice to meet you. Here's the resolution.

MR. SMITH PRESENTS

No. 939 WHEREAS, the Salvation Army, along with the Army National Guard, The Greater Pittsburgh Community Food Bank, other local homeless service providers, and businesses of the community, will sponsor its 7th Annual Homeless/Community Picnic on Saturday, August 20, 1994, from 11 a.m., to 4 p.m.; and,

WHEREAS, the Picnic will be held in Allegheny Commons Park, and has been expanded to include the entire North Side. The goal of the sponsoring groups is to help citizens become more supportive, increase their awareness of the problems confronting the homeless, and break down stereotypical images of people who are homeless; and,

WHEREAS, during the past six years more than 10 thousand homeless men, women, and children from Allegheny County have been fed during this annual picnic; and,

WHEREAS, it is important that all citizens interact with the homeless and have an awareness and understanding that the homeless were once our neighbors, our co-workers, and our friends before a turn of events changed their lives.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh declares Saturday, August 20, 1994 as Homeless Awareness Community Day in the City of Pittsburgh.

SPONSORED BY COUNCILMEMBERS CHRISTOPHER SMITH AND DAN ONORATO

MR. SMITH moved to adopt the resolution.

MR. COHEN seconded the motion.

WHICH Motion prevailed.

Mr. Smith:

I just want to say before we invite everyone up that we have to remember that these are citizens of our City who have had a little misfortune, sometimes a lot of misfortune. We are all just amongst from being homeless if you get up and go to work every day, and that it is extremely important that we open our hearts, we understand that they are not bums on the street, they are people who need our help, and I am very happy and very proud to sponsor this resolution. It is important that we understand that we are all Americans and we all deserve a little bit of help and a little bit of understanding as we live out our lives. So, I would like to thank everyone who gives their time and effort and energy to resolve a problem that exists in our City. It is not just a couple of people on the corner, there are thousands of people who need our help. So, please.

Mr. Johnston:

I just want to echo what Councilman Smith said, he said it so eloquently I don't know if I can really follow behind it, but these are people who are brothers and sisters, mothers and fathers, who are out there on the street. I just returned from New York City where there problem is 100,000 people on the street. We may have anywhere from five to 1500 on a given night. There is no reason, with Pittsburgh being such a family oriented City that we can't just eradicate homelessness in our City, and I would like to see City Council, who I have invited all of you to be guest servers, come down, serve some beans, serve some hotdogs, meet some of these people, see who they are, that they're not just the people who you see panhandling on the street, that they are people who are responsible, who if given the opportunity to change their lives, will, and I want to thank everyone for this opportunity and this proclamation.

The Chair:

Thank you, sir.

Ms. Lane:

Hello, my name is Lynn Lane, and I am the Volunteer Coordinator of the picnic, and last year we had 200 volunteers, so I would like to see as many people. Bring your families, there are going to be families there also, and I'll put a spoon in your hand and find something for you to do.

To say one thing that Councilman Smith has said about being homeless, everybody is like a paycheck away from being homeless, and I know I work now but I was once homeless, and everything is possible if you just give some of these people a chance. Thank you.

The Chair:

Thank you for your hard work. Thank you all for your hard work and dedication, we appreciate it very much.

THE CHAIR PRESENTS

No. 940 WHEREAS, the City of Pittsburgh will be host to the 59th National Convention of the United Electrical, Radio and Machine Workers of America during the week beginning August 21, 1994; and,

WHEREAS, the U.E., founded in 1936, was the first union chartered by the then newly established Congress of Industrial Organizations which embraced the philosophy of industry-wide organizing and was also on the forefront of the

battle to stop corporate attempts to erode the New Deal advances in worker's rights; and,

WHEREAS, the U.E. is an independent rank and file union originally formed by 18 autonomous local unions and workers from around the country who came together because they needed the strength and support of a national union and built a structure that maintained and protected their democracy and local autonomy; and,

WHEREAS, the U.E., with national headquarters located here in the fair City of Pittsburgh, continues to carry the torch for progressive unionism and rank and file control and democracy, and is committed to building a revitalized labor movement.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh hereby officially extends a warm welcome, best wishes and congratulations to the delegates of the 59th National Convention of the United Electrical, Radio and Machine Workers of America; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh hereby proclaims the week of August 21 - August 28, 1994 to be United Electrical, Radio and Machine Workers of America Week in the City of Pittsburgh.

MR. COHEN moved to adopt the resolution.

MR. CUSICK seconded the motion.

WHICH MOtion prevailed.

The Chair:

Their convention is later on this month and I will be presenting the proclamation.

For the public, this is our last Legislative Meeting; we will be in our offices but we will not formally meet again until September 7th, Wednesday, at 10 a.m. There will be no Presentation of Papers today. So, at this time I will move directly to Reports of Committees. Committee on Finance, Mr. Hertzberg for Councilman Onorato.

REPORTS OF COMMITTEES

MR. HERTZBERG FOR MR. ONORATO PRESENTED

Bill No. 941

Report of the Committee on Finance for August 3, 1994, transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 863

A Resolution entitled, "Resolution authorizing issuance of a warrant in the amount of $12,270.00 in favor of Karis Contracting, 3215 West Carson Street, Pittsburgh, PA 15204, in payment of contract for demolition and removal of a 3-story brick commercial and apartment building and 1-story garage, located at 2022 Fifth Avenue, Ward 4, without previous authority of law and providing for the payment thereof."

Which was read.

Also,

Bill No. 869

A Resolution entitled, "Resolution authorizing the issuance of a warrant in favor of Geyer Printing Company in the amount of Twenty-Two Thousand One Hundred Eighty-Five Dollars ($22,185.00) in payment for services in connection with the printing of the Department's Summer Magazine for the benefit of the City without previous authority of law, and providing for the payment thereof."

Which was read.

Also,

Bill No. 872

A Resolution entitled, "Resolution providing for the issuance of a $1,000.00 warrant in favor of Geoffrey Block in settlement of claim for automobile damage, charging same to Code Account No. 46, Judgments."

Which was read.

Also,

Bill No. 873

A Resolution entitled, "Resolution providing for the issuance of a $1,000.00 warrant in favor of Anindya Basu in settlement of claim for automobile damage, charging same to Code Account No. 46, Judgments."

Which was read.

Also,

Bill No. 874

A Resolution entitled, "Resolution providing for the issuance of a $2,519.36 warrant in favor of Edwin Salinetro for automobile damage, Wage loss and uncovered medicals, charge to Code Account No. 46, Judgments."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

The bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Ricciardi
Mr. Cusick	Mr. Smith
Mr. Hertzberg	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 7 NOES none

And there being two-thirds of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 875

A Resolution entitled, "Resolution amending Resolution No. 492, Item C, approved July 8, 1994, which repealed Res. No. 861, Item F, approved July 13, 1993, which authorized the sale of a vacant lot, 2143 Boustead Street, 19th Ward, Block 35-N, Lot 206, for the sum of $650.00.---(COUNCIL DISTRICT NO. 4."

Which was read.

Bill No. 876

A Resolution entitled, "Resolution providing for conveyance by the City of Pittsburgh of certain property, under Act No. 171 of 1984, entitled, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984."

Which was read.

Also,

Bill No. 877

A Resolution entitled, "Resolution providing for conveyance by the City of Pittsburgh of certain property, under Act No. 171 of 1984, entitled, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984."

Which was read.

Also,

Bill No. 878

A Resolution entitled, "Resolution authorizing the sale of City of Pittsburgh owned property in the 8th Ward designated as Block 49-S, part of Lots 377 and 379, to Stanley A. Frankowski for the sum of $1,750.00."

Which was read.

Also,

Bill No. 879

A Resolution entitled, "Resolution providing for the filing of a petition or petitions for the sale of certain property or properties, acquired at tax sales in accordance with Act No. 171 of 1984, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984."---(AS AMENDED)

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Mr. Ricciardi.

Mr. Ricciardi:

hank you, Mr. President. On Bill 879, after some discussion with a community group, I would like to have more time to research, and so on that I would like to delete the piece of property that is listed under Council District 3; I also would have to ask that the rules be suspended --

The Chair:

Which item is that item?

Mr. Ricciardi:

Item E.

MR. RICCIARDI seconded the motion.

The Chair:

This is motion to suspend the rules on the need to have it in writing on the table. All in favor?

WHICH MOTION PREVAILED.

The Chair:

Now the motion for the deletion.

Mr. Ricciardi:

So moved.

MR. RICCIARDI seconded the motion.

The Chair:

So moved. The deletion, Bill 879, Item E. All in favor of deletion?

WHICH MOTION PREVAILED.

The Chair:

The bill is amended by deleting Item E, Bill 879.

Other discussion?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Ricciardi
Mr. Cusick	Mr. Smith
Mr. Hertzberg	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 7 NOES none

The bills having received the legally required number of votes are passed finally.

Also,

Bill No. 903

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Walter H. Drane Company in the amount of $10,735.00 for professional services in connection with the preparation, printing and delivery of supplements to the Pittsburgh Code.--- (SPONSORED BY MR. FERLO)"

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

The bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen Mr. Ricciardi
Mr. Cusick Mr. Smith
Mr. Hertzberg Mr. Ferlo
Mr. O'Connor (Pres't)

AYES 7 NOES none

And there being two-thirds of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 796

A Resolution entitled, "Resolution authorizing the transfer of One Hundred Thousand Dollars ($100,000.00) from Code Account 45, Index Code 004507, Health/Life Insurance-Municipal Employees to Code Account 1075 B5-2, Index Code 107508, Outside Counsel, to meet expenses of outside counsel to assist in negotiating labor contracts."

Which was read.

Also,

Bill No. 797

A Resolution entitled, "Resolution authorizing the Mayor and the City Solicitor to enter into an Agreement or Agreements for the hiring of outside counsel to assist in negotiating labor contracts for the City of Pittsburgh at a cost not to exceed $100,000.00 (One Hundred Thousand Dollars) chargeable to and payable from Code Account 45, Index Code 004507, Health/Life Insurance-Municipal Employees."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

The bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen Mr. Ricciardi
Mr. Cusick Mr. Smith
Mr. O'Connor

AYES 5 NOES 2

VOTING NO:

Mr. Hertzberg
Mr. Ferlo
(Pres't)

The bills having received the legally required number of votes are passed finally.

Also,

Bill No. 925

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Marlane Maintenance Co., in the amount of $4,355.50 in payment of the rental of Traffic Control Devices (Maintenance and Protection of Traffic) used during the demolition of Conrail of the Railroad Overpass at 11th Street between Smallman man and Etna Streets; and providing for the payment thereof, charging the same to Code Account EC94-56, 3-13-30-0001-94."

Which was read.

Also,

Bill No. 927

A Resolution entitled, "Resolution providing for the issuance of a warrant in the sum of $17,500.00 to Stephanie Pollock, a minor and Janice Wagner, her mother, and in an individual capacity, c/o Ralph J. Ruggiero, Esquire, the Law Office of Ralph J. Ruggiero, 1035 Fifth Avenue, Pittsburgh, PA 15219, in full and final settlement of the action filed at GD90-13936, alleging personal injury sustained due to a slip and fall at Grandview Park on or about September 9, 1988, charge the same to Code Account 46, Judgments."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

The bills are now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Ricciardi
Mr. Cusick	Mr. Smith
Mr. Hertzberg	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 7 NOES none

And there being two-thirds of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 928 A Resolution entitled, "Resolution providing for the transfer in the amount of Two Hundred and Fifty Thousand Dollars ($250,000.00) from Code Account 1043, Index Code 104307, Miscellaneous Services, CIS to Code Account 44-1, Index Code 004416, Unemployment Compensation Fund."

Which was read.

The Chair:

You have heard the reading and title of the bill ,is there any discussion on the bill?

The bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Ricciardi
Mr. Cusick	Mr. Smith
Mr. Hertzberg	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 7 NOES none

The bill having received the legally required number of votes passed finally.

MR. RICCIARDI PRESENTED

Bill No. 942

Report of the Committee on Public Works for August 3, 1994, transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 805

A Resolution entitled, "Resolution granting unto Beehive Oakland, 3807 Forbes Avenue, Pittsburgh, Pennsylvania, 15213, their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, a sidewalk cafe on a portion of the sidewalk on Forbes Avenue in the 4th Ward, 3rd Council District of the City of Pittsburgh."

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

The bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. O'Connor
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Smith

AYES 6 NOES 1

(MR. FERLO, PRES'T VOTING NO)

The bill having received the legally required number of votes passed finally.

Also,

Bill No. 882

A Resolution entitled, "Resolution further amending Resolution No. 1423, effective December 31, 1993, as amended by Resolution No. 481, effective June 23, 1987, as amended by Resolution No. 558, effective June 5, 1990, entitled "Authorizing the Department of Public Works to sell reclaimed asphalt, presently stored at Heth Run (located at the rear of the Zoo parking lot). Permission is requested to sell to the general public by the ton. All monies collected are to be deposited into the Asphalt Reimbursement Trust Fund, Index Code 250100," by decreasing the cost of the asphalt."

Which was read.

Also,

Bill No. 883

A Resolution entitled, "Resolution providing for a Contract or Contracts, or the use of existing Contracts, for concrete replacement at various locations throughout the City of Pittsburgh, at a cost not to exceed Seven Hundred Thousand ($700,000.00) Dollars."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Ricciardi
Mr. Cusick	Mr. Smith
Mr. Hertzberg	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 7 NOES none

The bills having received the legally required number of votes are passed finally.
MR. SMITH PRESENTED

Bill No. 943

Report of the Committee on Planning, Housing & Development for August 3, 1994, transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 711

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Nine, Zoning, by inserting "nursing home" as a use by right in "RP" Residential Planned Unit Development Districts under Chapter 975.---(COUNCIL DISTRICT NO. 7)---(SPONSORED BY MR. FERLO)"

Which was read.

Also,

Bill No. 712

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Nine, Zoning, Article III, Chapter 921, Section 921.02, Zoning District Map No. 11, by changing from "S" Special District and "R1" One-Family Residence District to "RP" Residential Planned Unit Development District all that certain property bounded by Stanton Avenue, the "RP" zoning district boundary line located between Station Avenue and Rosecrest Drive north of Mossfield Street, Lot 202, Block 81-M in the Allegheny County Lot and Block System, Manorland Avenue, Lots Numbered 206, 208, 210, 212, 214, 216, 218, 220, 222, 228 and 10 Block 81-M in the aforesaid System, Somerville Street, and unnamed way located between Somerville Street and Stanton Avenue, 10th Ward.---(COUNCIL DISTRICT NO. 7)---(SPONSORED BY MR. FERLO)"

Which was read.

Also,

Bill No. 886

A Resolution entitled, "Resolution amending Resolution No. 346, effective May 7, 1993, entitled, "Resolution providing for an Agreement or Agreements with Fencing for Fun for operational and/or administrative expenses, including purchase of equipment or materials, for the benefit of low-moderate income residents of the City of Pittsburgh, at a cost not to exceed $4,000,00, so as to change the name of the recipient organization to "Urban League"."

Which was read.

Also,

Bill No. 887

A Resolution entitled, "Resolution amending Resolution No. 519, effective May 30, 1991, as amended by Resolution No. 1104, effective November 29, 1991, entitled "Resolution providing for an Agreement or Agreements with Arlington Heights Residents Council for administrative/operating support in an amount not to exceed $6,111.00", so as to decrease the amount appropriated from $6,111.00 to $2,207.98."

Which was read.

Also,

Bill No. 888

A Resolution entitled, "Resolution amending Nos. 507, 706, 956, 1148 and Resolution No. 1221 of 1991, Resolution Nos. 211, 524, 720 and 929 of 1992 and Resolution No. 707 of 1993 entitled "Providing for the filing of a Community Development statement by the City of Pittsburgh with the U.S. Department of Housing and Urban Development for a grant in connection with the 1991 Community Development Block Grant Program, so as to reduce a line item in City Council and create a new line item in City Council.

Which was read.

Also,

Bill No. 889

A Resolution entitled, "Resolution amending Resolution No. 287, effective March 30, 1992, entitled "Resolution providing for an Agreement or Agreements with various community organizations for operational/administrative expenses, maintenance, purchase of equipment; and/or minor rehabilitation of neighborhood facilities for the benefit of residents of the City of Pittsburgh, at a cost not to exceed $119,580.00, chargeable to and payable from Code Account 1103 (110304) Miscellaneous Services, Department of City Planning" so as to reduce funding for one agency and add a new agency to those funded."

Which was read.

Also,

Bill No. 890

A Resolution entitled, "Resolution providing for an Agreement or Agreements with YMCA - Arlington Heights Outreach PRogram for operational support of the agency at a cost not to exceed $3,903.02, chargeable to and payable from the 1991 Community Development Block Grant Program "City Council", Project No. 4-40-05-5146-91-969-91-35, Index No. 608604."

Which was read.

Also,

Bill No. 891

A Resolution entitled, "Resolution providing for the acceptance by the City of Pittsburgh from the Urban Redevelopment Authority of Pittsburgh of certain property located in the First Ward of the City of Pittsburgh for use by the City in conjunction with the Municipal Courts Building."

Which was read.

Also,

Bill No. 892

A Resolution entitled "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire all of the City's right, title and interest, if any, in and to the Publicly-Owned property in the

2nd Ward of the City of Pittsburgh designated in the Deed Registry Office of Allegheny County, as Block 9-H, part of lots 171 and 173, under the Residential Land Reserve Fund."

Which was read.

Also,

Bill No. 893

A Resolution entitled, "Resolution approving execution of a Contract or Disposition by Sale of Land by and between the Urban Redevelopment Authority of Pittsburgh and Priscilla O. Bailey for the sale of Block 9-H, part of Lots 171 and 173 in the 2nd Ward of the City of Pittsburgh (Sideyard)."

Which was read.

Also,

Bill No. 894

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire all of the City's right, title and interest, if any, in and to Publicly-Owned property in the 2nd Ward of the City of Pittsburgh designated in the Deed Registry Office of Allegheny County as Block 9-H, part of Lot 170, and Block 9-M, part of Lot 86, under the Residential Land Reserve Fund."

Which was read.

Also,

Bill No. 895

A Resolution entitled, "Resolution approving execution of a Contract for Disposition by sale of land by and between the Urban Redevelopment Authority of Pittsburgh and Leroy and Gwendolyn D. Dillard for the sale of Block 9-H, part of Lot 170, and Block 9-M, part of Lot 86, in the 2nd Ward of the City of Pittsburgh (Residential Construction)."

Which was read.

Also,

Bill No. 896 A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire that property in the Twenty-First Ward of the City of Pittsburgh owned by Commonwealth of Pennsylvania, Department of Transportation and designated as Block 7B, Lots 172, 173, 174, 175, 176, 177 and 178 in the Deed Registry Office of Allegheny County, under the Residential Land Reserve Fund."
Which was read.

Also,

Bill No. 897

A Resolution entitled, "Resolution approving execution of a Contract for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and Manchester Supportive Housing, Inc., for the sale of Block 7B, Lots 172, 173, 174, 175, 176, 177, 178 and 179 in the Twenty-First Ward of the City of Pittsburgh (Residential Construction)."

Which was read.

Also,

Bill No. 898

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire all of the City's right, title and interest, if any, in and to forty-six (46) publicly-owned properties, and to incur all necessary and incidental expenses in connection with said acquisition. These properties are located in the 3rd , 5th, 11th, 13th, 21st, 22nd, 23rd and 25th Wards of the City of Pittsburgh."

Which was read.

Also,

Bill No. 899

A Resolution entitled, "Resolution approving execution of a Contract for Disposition by Sale of Land by and between the Urban Redevelopment Authority of Pittsburgh and Glen Hazel Citizens Association for the sale of Block and Lot 56-P-184, in the 15th Ward of the City of Pittsburgh. the property will be sold for $3,500.00 plus costs. (Residential Rehabilitation)."

Which was read.

Also,

Bill No. 900

A Resolution entitled, "Resolution approving execution of a Contract for Disposition by Sale of Land by and between the Urban Redevelopment Authority of Pittsburgh and Manchester Citizens Corporation for the sale of Block and Lot 22-L-242, in the 21st Ward of the City of Pittsburgh. The property will be sold for $2,100.00 plus costs. (Residential Rehabilitation)."

Which was read.

Also,

Bill No. 901

A Resolution entitled, "Resolution approving execution of a Contract for Disposition by Sale of Land by and between the Urban Redevelopment Authority of Pittsburgh and Leeda C. Schultz for the sale of Block and Lot 14-C-253, in the 18th Ward of the City of Pittsburgh. Price purchase of $500.00. (Sideyard)."

Which was read.

Also,

Bill No. 902

A Resolution entitled, "Resolution approving execution of a Contract for Disposition by Sale of Land by and between the Urban Redevelopment Authority of Pittsburgh and Kerotest Manufacturing, Corp., for the sale of Parcels 1, 2, 3 and 4 in the Fifteen Ward of the City of Pittsburgh in a portion of Redevelopment Area No. 40. The purchase price for the land is $125,000.00. (Manufacturing and Office Building)."

Which was read.

Also,

Bill No. 814

A Resolution entitled, "Resolution providing for an Agreement or Agreements with Community Based Organizations for community economic development planning assistance in various neighborhoods in the City and providing operating support for these groups in an amount not to exceed $600,000.00.---(AS AMENDED)"

Which was read.

Also,

Bill No. 924

A Resolution entitled, "Resolution amending Resolution 274, approved April 26, 1994, entitled, "Resolution providing for an Agreement/s with various community organizations for operational/administrative expenses, maintenance, purchase of equipment; and/or rehabilitation of neighborhood facilities for the benefit of residents of the City of Pittsburgh at a cost not to exceed $863,000.00, chargeable to and payable from the 1994 CDBG Program," by changing the line item entitled Wightman School to read Wightman School/Carriage House Children's Center.---(SPONSORED BY MR. COHEN)"

Which was read.

Also,

Bill No. 870

A Resolution entitled, "Resolution providing for an Agreement or Agreements with Burns Computer Service for the purpose of providing professional services for the 1994 Great Race/Finish Line for the Department of Parks and Recreation. The total cost shall not exceed $24,400.00, and shall be chargeable to and payable from Code Account SPP, Special Parks Programs Trust Fund, Index Code (254359), in the Department of Parks and Recreation."

Which was read.

Also,

Bill No. 394

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Nine, Article I, Board of Adjustment, Section 909.06(b)(8) - Special Exceptions In Use, is amended to prohibit the granting of a Home Occupation exception which would allow the sale of firearms.---(SPONSORED BY MR. O'CONNOR)"

Which was read.

Also,

Bill No. 395

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Nine, Zoning, Article I, ADMINISTRATION, Chapter 909 - Board of Adjustment, in order to create an Exception for Use in certain commercial and industrial districts, for retail and/or wholesale establishments engaged in the sale of firearms.---(SPONSORED BY MR. O'CONNOR)"

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Mr. Smith:

Yes.

The Chair:

Councilman Smith.

Mr. Smith:

On Bill 711, which is the "RP" Planned Unit Development District, I have a memorandum of understanding between the community group and the Villa De Marillac Nursing Home, it is signed by all of the appropriate people. The community and the nursing home seemed to have worked out the differences that we heard at the Public Hearing, and I would like to move forward with 711.

The Chair:

Other discussion? Councilman O'Connor.

Mr. O'Connor:

I just wanted my comments brought forward on Bills 394 and 395, concerning the zoning and the Firearms Business License. Also, I want to thank my colleagues for their support and all those citizens who came down for the public hearing, and I especially want to commend Councilman Ricciardi, I think, for expanding it to include business districts like South Side and Shadyside. And, I believe it is a small step but in the right direction to make our residents just a little bit safer.

(REMARKS -- SEE ADDENDUM)

The Chair:

Thank you, Mr. O'Connor.

I want to clarify something that was written in the media about my vote. Last week I voted in favor of Bill 394, which is the basis of Mr. O'Connor's actions, which I support, and that is to eliminate the sale of firearms and firearm activity in residential neighborhoods, eliminating home occupation, I voted in favor of that, I will vote in favor of that today. Where I disagreed and I voted "no" is on the actual zones of permitted use, my concern is the "A-1's" fundamentally are commercial corridors and I respectfully disagree on that point. Accordingly, I voted "no" on Bill 395.

On the Villa De Marillac, obviously I would like to move ahead, having introduced these bills. We have important opportunity with the nursing home to expand on a very badly needed area, all of the surrounding community is residential in nature. While I propose the rezoning to "RP" Residential Planned Unit Development, there were legitimate concerns that were raised by the Stanton Heights Community Organization. I had suggested, and apparently they agreed and concurred with the formulation of a memoranda of understanding, which addresses some of the important concerns that they raised regarding the need to create a buffer between the institution, the residential neighborhood, some quality of life issues regarding the trees and the wildlife in the area, the logistics of the driveway, and other concerns that have been enumerated in the agreement.

Other comments or discussion? Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Ricciardi
Mr. Cusick	Mr. Smith
Mr. Hertzberg	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 7 NOES none

(MR. FERLO, PRES'T VOTING "NO" TO BILL 395)

The bills having received the legally required number of votes are passed finally.

MR. HERTZBERG PRESENTED

Bill No. 944

Report of the Committee on Parks & Recreation for August 3, 1994, transmitting two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 870

A Resolution entitled, "Resolution providing for an Agreement or Agreements with Burns Computer Service for the purpose of providing professional services for the 1994 Great Race/Finish Line for the Department of Parks and Recreation. The total cost shall not exceed $24,400.00, and shall be chargeable to and payable from Code Account SPP, Special Parks Programs Trust Fund, Index Code (254359), in the Department of Parks and Recreation."

Which was read.

The Chair:

We did ask for a memo from the Parks Department, I don't know if we received it, regarding the expenditures.

Also,

Bill No. 904

A Resolution entitled, "Resolution authorizing the Mayor and the Director of the Department of Parks and Recreation to change the name of the East Liberty Park to the Duane A. Darkins Park.--- (SPONSORED BY MR. FERLO)"

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Obviously in relation to this bill, this is a request from residents and community organization; their hope, obviously, is not only to give some recognition to an individual who has helped the East Liberty community, but I think more importantly they would like to see that park do justice to the good work of our late colleague. Accordingly, they have been working with the Citiparks Department, I know State Representative Joe Preston has been participating, and their goal is to try to get the City to move up and begin to deal with some of the major renovations that are needed in this park. So, I hope in the recognition and the honor that we are extending here today, we will also follow through, as I know we will, with the badly needed repairs and remodeling and refurbishing of a badly needed playground in that area.

Hearing no other discussion, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Ricciardi
Mr. Cusick	Mr. Smith
Mr. Hertzberg	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 7 NOES none

The bills having received the legally required number of votes are passed finally.

The Chair:

Could we have the record reflect an affirmative vote by Mr. Ricciardi and Mr. O'Connor on the earlier proclamations; we didn't actually have a quorum present. These were the Read and Adopted Proclamations. Thank you.

MR. CUSICK PRESENTED

Bill No. 945

Report of the Committee on Engineering & Construction for August 3, 1994, transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 865

A Resolution entitled, "Resolution providing for a Contract or Contracts or use of existing Contracts and/or Agreement or Agreements, or use of existing Agreements for the Rehabilitation of various Public Safety Facilities; and providing for the payment of the cost thereof. At a cost not to exceed $115,000.00 chargeable to and payable from Code Account EC94-243, 3-13-80-1964-94, Index Code #871988."

Which was read.

Also,

Bill No. 866

A Resolution entitled, "Resolution providing for a Contract or Contracts, or use of existing Contracts and/or Agreement or Agreements, or use of existing Agreements for the Renovation of Recreation Centers and Senior Citizens Centers; providing for the purchase of equipment and materials for said Centers; and providing for the payment of the costs thereof. At a cost not to exceed $300,000.00, chargeable to and payable from CDEC 94-111, Index Code #613059."

Which was read.

Also,

Bill No. 867

A Resolution entitled, "Resolution providing for a Contract or Contracts, or use existing Contracts, for the Renovation and Repair of Ornamental Fences at various locations within the City of Pittsburgh; and providing for the payment of the cost thereof. At a cost not to exceed $175,000.00, chargeable to and payable from Code Accounts EC94-462, Index Code #871848, Ec94-1124, Index Code #871863."

Which was read.

Also,

Bill No. 868

A Resolution entitled, "Resolution providing for a Contract or Contracts, or use of existing Contracts and/or an Agreement or Agreements, or use of existing Agreements for the Rehabilitation of various landscape and turfed areas; and providing for the payment of the costs thereof. At a cost not to exceed $150,000.00, chargeable to and payable from EC94-114, Index Code #871566.'

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills? Councilman Cusick.

Mr. Cusick:

On Bill 867, 868, I would like my comments to be brought forward from last Wednesday's meeting, please.

(REMARKS -- SEE ADDENDUM)

The Chair:

Other comments? Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Ricciardi
Mr. Cusick	Mr. Smith
Mr. Hertzberg	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 7 NOES none

The bills having received the legally required number of votes are passed finally.

MOTIONS AND RESOLUTIONS

The Chair:

Under Motions and Resolutions, I would like to quickly announce the formation of a committee. I spoke with the Mayor earlier this morning and on Friday, I think we need a working committee over the summer months regarding the Pirate situation. I am going to be chairing this sub-committee to work with the Administration. I am asking Mr. Onorato, Mr. Smith and Mr. O'Connor to be on that sub-committee. This is not only dealing with any potential interested parties and the ownership of the Pirates, but I think the Mayor himself has announced that there are other concerns that need to be reviewed, including the possibility of other physical facility, the issue of what the concessions will actually be, the issue of how and what manner the stadium will receive money from the Regional Assets District, and probably a lot of other related issues.

So, I think it is very important that we have a direct involvement in this process, obviously at some point this Council will be called upon to affirm or reject, especially in the area of any stadium concessions, and I think it would be fruitful if we are directly involved in this process, and given the recess, we don't want to miss any work that we need to do in this respect. So, accordingly, this sub-committee is now formed, and I will communicate to you. If you are leaving the area, please let me know, so I can get ahold of you by phone, but I think most colleagues are actually working through this vacation period, and I think it is important that we have this committee.

Any other matter? Mr. Cusick.

Mr. Cusick:

In regards to the Phillips Park pool. I would like to look into the possibility of refunding or crediting next year, the Carrick residents that have purchased pool passes for their young children. This is the second year in a row that Phillips Park has been without a baby pool, due to a broken part. I am of the opinion that the minute we charge a fee we are bound to provide a quality of service. I understand that the Murphy Administration inherited the problem with the pool, but the residents paid money to receive money to receive services, and that just wasn't there, they were ripped off, and I would like this Council to send a letter and request the Administration either refund pool pass fees to Carrick residents or give them a credit for next year.

The Chair:

Are you making a motion?

Mr. Cusick:

I am making a motion to send a letter to the Mayor to either refund or credit these individuals, these residents of the Carrick area for the next year, and I would like to make that in the form of a motion.

MR. SMITH seconded the motion.

The Chair:

It has been seconded. Discussion?

Mr. Hertzberg:

Mr. President, I echo Mr. Cusick's concerns over that pool, and I also communicated with the appropriate Director and requested that particular baby pool be repaired, and apparently that has not been done and it is very unfortunate. We need to have our pools in good condition, particularly when people are paying the fees that they are paying.

The Chair:

Any other discussion? Why don't we just make it all pools.

Hearing none, we'll call the vote on this. All in favor of the -- opposed?

WHICH MOTION PREVAILED.

The Chair:

We will communicate it to Tom Murphy the actions of this Council.

Other comments or discussion?

I would like as a follow-up to specifically ask the Administration for a formal listing of positions regarding this layoff that was announced a couple of days ago, and also ask for some clarification on the particular positions as they relate to any issue of seniority in the manner in which individuals were laid off. I want a cursory view of the list, which suggests that there are some individuals on the list, at least the appearance is such that they have seniority, and I would like to get a clarification as to how and in what manner the individuals' positions were put on layoff.

Other comments? Hearing none, we will entertain a motion to approve the minutes.

Mr. Cohen:

So moved.

MR. SMITH seconded the motion.

WHICH MOTION PREVAILED.

The Chair:

And at this time I will entertain a motion to adjourn, and we will meet again Wednesday, September 7th, at 10:00 a.m., here in Council Chambers.

And on the motion of MR. COHEN

Council adjourned.

(BEGINNING - MR. O'CONNOR'S COMMENTS ON BILLS NO. 394 AND 395, WEDNESDAY, AUGUST 3, 1994)

Mr. O'Connor:

Motion to approve for discussion. I would like to hold Bill No. 396.

Mr. Hertzberg:

Second.

Which motion prevailed.

Mr. O'Connor:

Hold for four weeks on Bill No. 396.

The Chair:

On the remaining two bills?

Mr. O'Connor:

Briefly, the first bill I think we had held a public hearing on both of these. I'd like to clarify that it is not a gun bill it is a zoning issue, a business issue and possibly a public safety issue where it would ban the sale of handguns, repair firearms or gun powder in a residential neighborhood which is probably I would say more of a grey area and this puts it where it belongs and it will ban the sale of handguns from our residential neighborhoods and put them in the next bill, the second bill puts them in a commercial business where I think they belong.

I do have another amendment on Bill No. 395. I would like to make a motion to amend by adding to Section B-36 A, Section 5 these words to include "within 500 feet church, temple or synagogue." It was in the original bill and the Planning Commission took it out and at first I didn't object because I felt Sunday morning I don't think a lot of gun sales are going on but I did have quite a few calls from church leaders in every denomination saying churches now or so many nursery schools, after-school programs that they would like to put it back in and under those conditions I would like to put the amendment back in -- that gun sales not be within 500 feet of a church or synagogue.

The Chair:

Any other discussion on the amendment? Is there a second on the amendment?

Mr. Cohen:

Second.

The Chair:

All in favor of the amendment? Opposed? The ayes have it.

(BEGINNING - MR. CUSICK'S COMMENTS ON BILLS NO. 867 AND 868, WEDNESDAY, AUGUST 3, 1994)

Mr. Cusick:

Is there anyone here from Engineering and Construction? On Bill No. 868 in regards to the rehabilitation of various landscapes and turfed areas. Are you aware of volunteer fields and their needs?

Mr. Valent:

No, I am not. I would have to get that information for you.

Mr. Cusick:

They want to turn the field and we would have to move -- it would require some fill and moving the fence back but I guess, I know you can't answer this -- what I am looking for is that hopefully some of these dollars can be used in doing that and pushing the fence back.

Mr. Valent:

We can explore that possibility. Right now the projects identified as Sullivan Field, Ft. Pitt in Garfield and Burgwin but there has been no talk about Volunteer Field up to this point.

Mr. Cusick:

Would you take this back to the Director please in regards to Volunteer Field. I'm sure he will understand what is going on.

Mr. Valent:

I'd be glad to.

(END OF COMMENTS)
PREPARED BY: MARY ANNE HRUSKA
STENOTYPE REPORTER

MUNICIPAL RECORD

Proceedings of the Council of the City of Pittsburgh

VOL. CXXVIII *September 7, 1994* *No. 33*

Municipal Record

ONE-HUNDRED TWENTY-EIGHTH COUNCIL

JIM FERLO.....President
LINDA M. JOHNSON-WASLER.....City Clerk
KURT J. SALAC.....Asst. City Clerk

Pittsburgh, PA
Wednesday, September 7, 1994

PRESENT:

Mr. Cohen	**Mr. Ricciardi**
Mr. Hertzberg	**Mr. Smith**
Mr. O'Connor	**Mr. Ferlo**
Mr. Onorato	**(Pres't)**

ABSENT:

Mr. Cusick

The Chair:

Good morning, and welcome back. I am very honored and pleased to have a young man here today from Council District 9. His name is Eugene Ashley, III. He's six years old. He goes to Holy Rosary School. He attends the First Grade. I see his proud parents out there in the audience, Michelle and Eugene Ashley. Good morning. Eugene is going to lead us in the Pledge of Allegiance.

I see a camera there. We have got a proud parent here. So, if he would like to come forward and film this, he is welcome. Good morning, sir.

Eugene, would you like to lead us in the Pledge of Allegiance.

Eugene Ashley, III:

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

The Chair:

I would like you to remain standing for a moment of silent prayer.

Thank you. Thank you, Eugene. The City Clerk would like to give you a flag of our City and of our country. And, thank you for coming down here today, we very much appreciate it. Thank you, Mrs. Ashley.

PRESENTATIONS

The Chair:

We have a few proclamations this morning, and at this time I would call on Councilman Onorato. Councilman.

Mr. Onorato:

Mr. President.

Richard Reed, if you could come up here, please. How are you doing today? Stand right here.

Colleagues, I would like to read a proclamation for a great event, it is in its second year, and I also -- I want to invite my colleagues to participate, I think it's this Sunday -- yes, Sunday the 11th. I will have Mr. Reed explain the detail of the event. But, first, I will read the proclamation.

MR. ONORATO PRESENTS

No. 946 WHEREAS, on Sunday, September 11, 1994, The Pressley Ridge Schools will host the second annual "ICE-CREAM SUNDAY"; and

WHEREAS, this event will benefit The Pressley Ridge Second Family/Second Chance Program; and

WHEREAS, The Pressley Ridge Schools programs focus on enhancing the adjustment and achievement of troubled children of all ages as well as providing support services to their families; and

WHEREAS, some of the services provided by The Pressley Ridge Schools are therapeutic foster care, emergency shelter, day treatment/partial hospitalization, and residential and family preservation; and

WHEREAS, the agency is also involved in research, training, dissemination, and advocacy on a local and national level; and

WHEREAS, the Second Annual Pressley Ridge "ICE-CREAM SUNDAY" is a vehicle to generate income for specified programs and initiatives and to raise public awareness of the help available to children in need.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Pittsburgh declares Sunday, September 11, 1994 Pressley Ridge Day in the City of Pittsburgh and recognizes the hard work and efforts of all the individuals involved in making the Second Annual "ICE-CREAM SUNDAY" event a success.

MR. ONORATO moved to adopt the resolution.

MR. COHEN seconded the motion.

Which motion prevailed.

Mr. Onorato:

Colleagues, and anyone listening, this event is on Marshal Avenue up at Pressley Ridge School, and last year I was a judge, asked to be a judge, and this year I was asked to come back to be a judge, along with some real judges and some other individuals in the City. It is an event you have to see, you can't explain it. There were hundreds of hundreds of people at this event. Reinhold Ice Cream is making all the ice cream, corporations create the recipes, or the ingredients for the types of ice creams, Reinhold makes them, there's a competition. It is a lot of fun but it goes for a good cause.

I would like to have Mr. Reed explain more about the program and give everyone here an invite, if you won't mind. Mr. Reed.

Mr. Reed:

Thank you. First of all, Pressley Ridge thanks the Council for this proclamation and the recognition of all the work that all of our teachers and staff do with troubled children in Pittsburgh and in four states where we have sites, in Ohio, West Virginia, Maryland and in Pennsylvania.

The Ice Cream Sunday is an event that raises funds specifically for our Second Family/Second Chance, which is money used to assist families of children who we serve who are not able to provide all the things that their children need, anything from orthodontic care to tutoring.

The event takes place all afternoon Sunday from 1 to 5 up at our campus. It is a family event. We celebrate it on Grandparents Day specifically because we want it to be a multi-generational event.

Fourteen different local corporations have created ice cream making teams, they've created their own flavors, and those teams will all be there to present their flavors, all being manufactured by Reinhold's Ice Cream, a local company.

The judging will take place that day, and the winning team's flavor is then produced for the year by Reinhold's and sold locally at all the stores, and it is designated as being the winner of the Silver Scope Trophy, you can tell by the special top on the ice cream container itself.

So, we welcome all of you to come, it is priced so that everyone can enjoy it, it is $20.00 for a carload of people. So, come and spend the afternoon, please.

The Chair:

Thank you. Good luck.

Councilman, I believe you have a couple to be read into the record. Would the City Clerk, please.

MR. ONORATO PRESENTS

No. 947 WHEREAS, Louise Costa was born on August 22, 1929 on Larimer Avenue in the City of Pittsburgh, the fourth of seven children to Philomena and Gaetano; and

WHEREAS, As a young lady, after moving with her family to Apple Avenue, she met, fell in love with and on March 31, 1951 married a young man from Larimer Avenue known as "Jayzel" Costa who persuaded her to return to the "good life" on Larimer Avenue. Together they raised six children and she always found time to love, nurture and guide them and her eleven grandchildren while providing cheap baby-sitting services whenever needed; and

WHEREAS, Louise Costa has devoted over twenty years of leadership, service and inspiration in a variety of volunteer roles towards improving the quality of life and availability of services for older adults in the City of Pittsburgh and the Allegheny County Department of Aging and as a board member for the Allegheny Alliance on Aging, the Southwest Pennsylvania partnership on Aging, the Department of Aging Long-Term Care Review Committee and the Joint Senior-Center Work Group, as well as many other boards and committees; and

WHEREAS, in recognition of her years of faithful volunteer service to older adults, Louise Costa has been the recipient of the J.C. Penney & United Way Golden Rule Award, the City of Pittsburgh Gilbert Love Award, the National Association of Counties Points of Light Award and Allegheny County Senior Festival's Outstanding Citizen; and

WHEREAS, In addition to providing hours of volunteer services for older adults, she possesses tremendous community pride and fosters her ethnic and cultural beliefs by serving as President of the Larimer Avenue Social Club and in recognition of her family and community commitment, she was chosen as a Grand Marshal in the 1993 Columbus Day Parade; and
in the 1993 Columbus Day Parade; and

WHEREAS, Louise Costa is well known among the Costa and Vento families for her talent in bringing together family and friends to enjoy one of her elaborate and delicious home cooked Italian meals. She is a pillar of strength to the growing Costa Family and is an inspiration to all who meet her.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh declares Monday, August 22, 1994, Louise Costa Day in the City of Pittsburgh.

MR. ONORATO moved to adopt the resolution.

MR. RICCIARDI seconded the motion.

Which motion prevailed.

MR. ONORATO PRESENTS

No. 948 WHEREAS, St. Nicholas Church, located at 1326 East Ohio Street, North Side, was established in 1894 and is celebrating its Centennial, its 100th Anniversary, on Sunday, August 14th, 1994; and

WHEREAS, St. Nicholas Church is the first Catholic Croatian Church established in America; and

WHEREAS, Father Boniface Bozic was the first pastor of St. Nicholas Church; and

WHEREAS, St. Nicholas Church was built in the 1900's and became a designated historical landmark in 1976; and

WHEREAS, in 1921 St. Nicholas Church, the actual structure, was completely moved from the street, 20 feet back to the hill and 8 feet upwards; and

WHEREAS, over the years St. Nicholas Church has seen many wonderful individuals, pastors, assistants, priests, sisters, teachers, and parishioners come and go, who we now thank for their contributions and efforts as we celebrate St. Nicholas Church's 100th Anniversary.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh recognizes all of the individuals responsible for enabling St. Nicholas Church to celebrate 100 years worth of masses, meetings, Church projects and works, and wishes all the people of St. Nicholas Church a Happy Centennial.

MR. ONORATO moved to adopt the resolution.

MR. RICCIARDI seconded the motion.

Which motion prevailed.

The Chair:

Councilman O'Connor.

Mr. O'Connor:

Thank you, Mr. President.

Will the women from the Western Pennsylvania please come up. I see Gwen Elliott is here. We have Allison Lee, Paula Hamilton. Commander, I don't recognize you without your uniform sometimes.

Before I read this proclamation, we have a lot of conventions in this City and conferences, and this is a very, very important one because it involves not only women police officers and men but the training that you so well need and especially in these tougher times, and we are honored to have you all in our City.

MR. O'CONNOR PRESENTS

No. 949 WHEREAS, the Women Police of Western Pennsylvania are co-hosting, along with the City of Pittsburgh, and Mayor Tom Murphy, the 32nd annual training conference of the International Association of Women Police in Pittsburgh, during the week of September 10-17, 1994; and,

WHEREAS, the International Association of Women Police was founded in 1915 by Alice Stebbins Wells, the first policewoman in Los Angeles, California, and has grown in membership to over 4,000 men and women, whose purpose is to promote the highest standards of professionalism, equality and education throughout the law enforcement community; and,

WHEREAS, in 1963 the association began offering annual conferences in order to exchange the newest of theories, applications and techniques in law enforcement; and this year's conference will include an estimated 800 law enforcement professional from over 30 countries, gathering for the purpose of investigating solutions to common legal and logistical problems facing law enforcement officials; and,

WHEREAS, these training conferences are beneficial not only to the attendees, but to their departmental fortitude, their community relations, and the merchants of Pittsburgh as the host city.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh, does hereby commend the International Association of Women Police, and the Women Police of Western Pennsylvania, for their outstanding efforts in improving the quality of law enforcement, further, declares September 1994 to be "The Month of Women Police" in the City of Pittsburgh.

SPONSORED BY COUNCILMEMBERS BOB O'CONNOR, DAN COHEN, JOE CUSICK, JIM FERLO, ALAN HERTZBERG, DAN ONORATO, GENE RICCIARDI, CHRISTOPHER SMITH

MR. O'CONNOR moved to adopt the resolution.

MR. COHEN seconded the motion.

Which motion prevailed.

Mr. O'Connor:

And it is sponsored by all Councilmembers.

And, we have Commander Gwen Elliott, who really needs no introduction in these Chambers. And, what a perfect timing, with all the problems we have to share, the ideas, and I want to congratulate all of you for coming together and hosting this conference, it is certainly needed.

Commander, do you want to come up and say a few words.

Cmdr. Elliott:

Thank you, Mr. O'Connor, and I want to thank Council for giving us this honor, and we hope that you all will stop by. The festivities will start this Friday; we're going to have an event at the Station Square, it will be kind of casual, but I would really like all of you to be at our opening ceremonies, which will be 9 o'clock next Monday morning at the Convention Center, and we will have things going on through the 17th of September, which would be next Saturday week.

So, we want you all to come and greet women from all over the world and show them that you stand behind us in law enforcement here, and we couldn't do this without each and every one of you here in Council.

I want to introduce some of our members here. We are not only confined to City of Pittsburgh Police Women. The first person here is Alison Lees, who is with the Marshall Service; next is Sergeant Linda Rosato of our Sex Assault/Family Crisis Unit; Minerva Chappell, who is with our Sex Assault/Family Crisis Unit; Joy Pekar, who is with our Housing Police; Paula Hamilton, who is with the Internal Revenue Service; Maurita Bryant, who is a Sergeant with our Crime Unit; Carol Duffy is hiding back there, she's with our ONI Unit with the City, and Brenda Tate, who has just come into our Detective Bureau and our Sex Assault/Family Crisis Unit.

Our theme this year is "Building Bridges through New Partnerships", and we chose that theme to show that in law enforcement that we have to not only network with each other as agencies but also with social service groups and other groups within the community.

So, we just thank you all for your support, and if you need us you know to come see us. Thank you.

The Chair:

Thank you.

Mr. O'Connor:

I think we have Alison Lees, who is the Deputy U.S. Marshall. Do you want to say a few words.

Ms. Lees:

I am not sure that there is much more that I can say to add to that. Personally I feel it is kind of overwhelming, knowing that we can bring federal, state, local and county law enforcement together as we have, and that is very important because no one out there works alone, and this conference should show exactly how powerful that can be. And, thank you.

The Chair:

Thank you.

Thank you, and good luck at he conference next week.

MR. COHEN PRESENTS

No. 950 WHEREAS, Monsignor Luigi DiLiegro is the Founder and Director of Caritas Roma, the Italian equivalent of Catholic Charities in Rome, Italy; and

WHEREAS, Monsignor Luigi DiLiegro founded Caritas Roma in 1980, an organization which was born out of the efforts of working with the City of Rome to identify its problem areas and find solutions to those problems; and

WHEREAS, under the direction of Monsignor DiLiegro, Caritas Roma established the first shelter for the homeless of Rome; the first soup kitchen in Rome, La Mensa, which runs completely by volunteers and feeds over 2,000 people a day; and the first home for those suffering from the effects of the AIDS virus; and

WHEREAS, under the direction of Monsignor DiLiegro, Caritas Roma also established the first cooperative in Rome, employing over 150 people, whose sole purpose is to serve the needs of the poor and a variety of social programs to alleviate the plight of the thousands of displaced refugees from Africa and Eastern Europe who have sought refuge in the City of Rome.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh commends Monsignor Luigi DiLiegro for his commitment to enhancing the quality of life

in Rome, Italy, one of the largest and most important cities in the world; and

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh welcomes Monsignor Luigi DiLiegro with open arms and hopes that he will carry his greetings of goodwill, community and friendship that he received while a guest in the City of Pittsburgh back to his native City of Rome.

MR. COHEN moved to adopt the resolution.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

MR. COHEN FOR MR. CUSICK PRESENTED

No. 951 Resolution providing for the issuance of a warrant in favor of U.S. Nuclear Regulatory Commission, License Fee and Debt Collection Branch, in the amount of $2,470.00 in payment of the Annual Materials Fee Invoice, charging the same to Code Account 1482.

Also,

No. 952 Resolution providing for the issuance of a warrant in favor of CSX Transportation in the amount of $4,204.01 in payment of Railroad Flagging Services required for the Rehabilitation of the Schenley park Bridge over Boundary Street, charging the same to Code Account EC90-74.

Also,

No. 953 Resolution providing for the issuance of a warrant in favor of Ground Technology, Inc. in the amount of $11,960.32 in partial payment of a Contract to investigate the landslide occurring on the slope above Voskamp Street and to develop designs for stabilizing the slope, charging the same to Code Account EC 94-210.

Also,

No. 954 Resolution providing for the issuance of a warrant in favor of the Stadium Authority in the amount of $500,000.00 for Various Capital Improvements, charging the same to Code Account EC 94-529.

Which were severally read and referred to the Committee on Finance.

Also,

No. 955 Resolution adopting Official Sewage Facilities Plan for the Kirby Plan of Subdivision, located at the end of San Pedro Place in Ross Township.

Which was read and referred to the Committee on Engineering & Construction.

MR. ONORATO PRESENTED

No. 956 Resolution providing for the issuance of a $2,058.11 warrant in favor of Helen Germany for auto damage by a City police vehicle, charging the same to Code Account No. 46, Judgments.

Also,

No. 957 Resolution providing for the issuance of a $912.70 warrant in favor of American Contractors Equip. Co. for damage to rented equipment, charging the same to Code Account No. 46, Judgments.

Also,

No. 958 Resolution providing for the issuance of a $783.10 warrant in favor of Sargent Electric for property damage by a City refuse truck, charging the same to Code Account No. 46, Judgments.

Also,

No. 959 Resolution providing for the issuance of a $9,443.70 warrant in favor of Browning-Ferris for property damage by a City Recycling truck, charging the same to Code Account No. 46, Judgments.

Also,

No. 960 Resolution incurring lease rental debt in an aggregate principal amount not to exceed Fourteen Million Fifty Thousand Dollars ($14,050,000.00) by entering into supporting

agreements with the Public Auditorium Authority of Pittsburgh and Allegheny County and the County of Allegheny.

Also,

No. 961 Resolution providing for the conveyance of certain property in the 10th Ward, City of Pittsburgh, designated as part of Block 121 L, Lot 129, to Helen E. Barlak, for the sum of $350.00.

Also,

No. 962 Resolution providing for the conveyance by the City of Pittsburgh of certain property under Act No. 171 of 1984, entitled, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984.

Also,

No. 963 Resolution repealing Resolutions, approved on various dates, authorizing the sale of properties in various wards of the City of Pittsburgh, in accordance with Act No. 171 of 1984.

Also,

No. 964 Resolution providing for the filing of a petition or petitions for the sale of certain property or properties, acquired at tax sales in accordance with Act No. 171 of 1984, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984.

Which were severally read and referred to the Committee on Finance.

MR. RICCIARDI PRESENTED

No. 965 Resolution providing for the transfer of $373,850.00 from Code Account 1922, (192203), Miscellaneous Services, Department of Water, to Code Account 1154-1, (115410), Rental of Motorized Vehicles, Department of General Services.

Which was read and referred to the Committee on Finance.

Also,

No. 966 Resolution vacating a portion of Carey Way from previously vacated South 30th Street a distance of 48.06 feet northwesterly in the 16th Ward, 3rd Council District of the City of Pittsburgh. The Department of Finance recommending a fee of Four Hundred Dollars ($400.00) be charged for the vacation of the same.

Which was read and referred to the Committee on Public Works.

MR. RICCIARDI moved to suspend Rule 8 by providing for consideration of the bills only until or after the 8th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Thursday.

MR. ONORATO seconded the motion.

Which motion prevailed.

Also,

No. 967 Resolution providing for the transfer of $274,712.00 from Code Account 1977, (197707), Utilities, Department of Water, to Code Account 1132-7, (113274), Utilities, Department of General Services.

Also,

No. 968 Resolution providing for the transfer of $71,500.00 from Code Account 1922, (192203), Miscellaneous Services, Department of Water, to Code Account 1132-5, (113225), Telephone Services and Equipment, Department of General Services.

Also,

No. 969 Resolution providing for the transfer of $19,000.00 from Code Account 1922, (192203), Miscellaneous Services, Department of Water, to Code Account 1132-5, (113258), Radio Improvements, Department of General Services.

Which were severally read and referred to the Committee on Finance.

Also,

No. 970 Resolution vacating a portion of South Water Street between South Twenty-Fifth Street and South Twenty-Sixth Street in the 16th Ward, 3rd Council District of the City of Pittsburgh.

Which was read and referred to the Committee on Public Works.

Also,

No. 971 Resolution amending the Pittsburgh Code, Title VI--Regulated Rights and Actions, Chapter 601.08, "Alcohol or Liquor Consumption on Streets or Sidewalks," by providing for a City-wide ban on the consumption and possession of alcoholic beverages under certain terms and conditions. This ordinance shall be known as the "Open Container Law".— **(SPONSORED BY MR. RICCIARDI)**

Which was read and referred to the Committee on Public Safety.

MR. SMITH PRESENTED

No. 972 Resolution amending Resolution No. 273 approved 5/3/94, AS AMENDED BY Resolution 396, Approved 6/2/94 Entitled, "Resolution providing for an Agreement or Agreements with various community organizations for operational/administrative expenses, maintenance, purchase of equipment; and/or minor rehabilitation of neighborhood facilities for the benefit of the residents of the City of PGH., at a cost not to exceed 135,200.00, chargeable to and payable from C.A. 1838 (183806) Misc. Svcs., Rec., in the Department of Parks and Recreation," by changing "Sprinters Track Club" to "Hill District Ministries, Inc., (Sprinters Track Club)."--- **(SPONSORED BY CHRISTOPHER A. SMITH)**

Which was read and referred to the Committee on Parks & Recreation.

MR. SMITH moved to suspend Rule 8 by providing for consideration of the bill only until or after the 8th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Thursday.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

Also,

No. 973 Resolution approving a conditional use exception under Section 993.01(a)A(37) of the Pittsburgh Code, title Nine, Zoning, Article V, Chapter 993, as amended, to the Pennsylvania Department of Military Affairs for authorization to construct a five story skilled nursing and domiciliary care facility known as the Southwestern Veterans Center at 7060 Highland Drive with parking to accommodate 180 automobiles on property zoned "I-M" Institutional-Medical District, 12th Ward.

Also,

No. 974 Resolution approving a conditional use under Section 993.01 (a)A(10) of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993, as amended, to the Women's Center & Shelter of Greater Pittsburgh for authorization to convert an existing three-story structure into a 36-bed institutional facility with offices located at 4760 Centre Avenue, with parking for 34 automobiles, on property zoned "R5" Multiple-Family Residence District, 7th Ward.

Also,

No. 975 Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to Transfer an amount not to exceed $400,000.00 from the Industrial Land Reserve Fund to the Neighborhood Development Program to reimburse costs incurred in connection with the acquisition of the American Lung Association buildings.

Also,

No. 976 Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to submit an application for financial assistance in the amount of $560,000.00 to the Pennsylvania Department of Community Affairs for the North Shore Redevelopment Area.

Also,

No. 977 Resolution authorizing a Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh for the

North Shore Redevelopment Project Area, providing for the reimbursement by the City of the Commonwealth for any expenditures found by the Department of Community Affairs to be ineligible and obligating the City of pay any local share of the project costs.

Also,

No. 978 Resolution authorizing the URA to acquire all of the City's right, title, and interest, if any, in and to publicly-owned property designated as Block 11-E, Lot 265, in the 3rd Ward of the City of Pittsburgh.

Also,

No. 979 Resolution approving the sale of Block 70-C, Lot 44B in the 28th Ward of the City of Pittsburgh by and between the URA and Stanley J. and Julie A. Szwecki, for $575.00 - Residential Land Reserve Fund (sideyard).

Also,

No. 980 Resolution approving execution of a disposition Contract by and between URA and Barry L. Stein, d/b/a Warring-Mill Land Co., for the sale of Block 14-A, Lot 333 in the 18th Ward of the City of Pittsburgh for $1,500.00 -- Industrial Land Reserve Fund (commercial construction).

Which were several read and referred to the Committee on Planning, Housing & Development.

THE CHAIR PRESENTED

No. 981 Communication from Jacqueline Morrow, City Solicitor, submitting the quarterly report of the settlement of small claims not exceeding $750.00 for the Second Quarter of 1994, payable from Code Account No. 1081, Petty Claims. Also, a quarter report of the settlement of claims in excess of $750.00 for the Second Quarter of 1994, payable from Code Account No. 46, Judgments.

Also,

No. 982 Communication from Paul Hennigan, Director of Finance, submitting a report of deposits and the market value of securities pledged as collateral by City Depositories as of June 30, 1994.

Which were read, received and filed.

UNFINISHED BUSINESS

The Chair:

Under Unfinished Business, we have an appointment to the Human Relations Commission, B.J. Sampson, we interviewed her several weeks ago.

THE CHAIR PRESENTS

No. 916 Resolution appointing Barbara Jean Sampson, 5516 Rippey Place, Pittsburgh, PA 15206, as a Member of the City of Pittsburgh's Human Relations Commission for a term to expire July 1, 1998.

Which was read.

The Chair:

Motion to approve is in order.

MR. COHEN moved to approve the appointment of Barbara Jean Sampson.

MR. O'CONNOR seconded the motion.

The Chair:

Is there a discussion?

Hearing none, all in favor?

WHICH MOTION PREVAILED.

The Chair:

Motion carries. Let the record reflect an affirmative vote from each member.

MOTIONS AND RESOLUTIONS

The Chair:

At this time, under Motions and Resolutions, I have one on an appointment from the Administration.

THE CHAIR PRESENTS

No. 983 Resolution appointing Tom Murphy to the Board of Trustees of the Comprehensive Municipal Pension Trust Fund for a term of four years to expire December 31, 1998.

Which was read.

The Chair:

What is the pleasure of the body? Traditionally the Mayor serves on the Comprehensive Board. This is the Investment Board regarding the Pension Fund. I need a motion to approve.

Mr. Cohen:

So moved.

MR. O'CONNOR seconded the motion.

The Chair:

It has been moved and seconded. All in favor?

WHICH MOTION PREVAILED.

The Chair:

Other matters under Motions and Resolutions?

We have a public hearing this afternoon at 2 p.m., I believe it is going to be televised, in regards to Mr. Hertzberg's bill regarding truancy of students in public places during school hours.

Any other matter to be brought before the body?

Hearing none, we need a motion to approve the minutes from the previous meeting.

MR. COHEN moved to approve the Minutes of Monday, August 8, 1994.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

And on the motion of **MR. ONORATO**

Council adjourned.

MUNICIPAL RECORD

Proceedings of the Council of the City of Pittsburgh

VOL. CXXVIII *September 13, 1994* *No. 34*

Municipal Record

ONE-HUNDRED TWENTY-EIGHTH COUNCIL

JIM FERLO.....President
LINDA M. JOHNSON-WASLER.....City Clerk
KURT J. SALAC.....Asst. City Clerk

Pittsburgh, PA
Tuesday, September 13, 1994

PRESENT:

Mr. Cohen **Mr. Onorato**
Mr. Hertzberg **Mr. Ricciardi**
Mr. O'Connor **Mr. Ferlo (Pres't)**

ABSENT:

Mr. Cusick
Mr. Smith

The Chair:

Good morning. City Council's Legislative Session will now come to order.

Would you all please rise for the Pledge of Allegiance. We are very honored this morning to have two young men here, Jordan Young and Nicholas Young. Jordan is 9 years old and is in the 4th Grade and Nicholas is 6 years old and in the 1st Grade, their proud father John is here. They go to John Morrow Grade School. They are going to lead us in the Pledge of Allegiance.

And I would ask that you all please remain standing for a moment of silent prayer so that we may have peace throughout the world and as well to mark and share in the community grieving for the recent tragedy of the victims and the family members from the tragedy of this past week.

At this time we would like to have our young friends lead us in the Pledge of Allegiance.

The Chair:

Thank you. Thank you Jordan and Nicholas. Mr. Young, the City Clerk would like to give you the America flag and the flag of our City. Nicholas was worried about being late for school but we got him special permission this morning.

PRESENTATIONS

The Chair:

Members of Council, we have a number of honored guests in the audience today and at this time I would like to call on Councilman Onorato.

Mr. Onorato:

Thank you, Mr. President. I would like to call up everyone in the audience that has anything to do with the Riverview Park Centennial at this time, if you could come up.

We have got a pretty big crowd coming forward. Yes, come over here.

As they are walking forward, eventually I will be reading the list of the individuals that are here. Let me apologize in advance if I miss somebody that is not here or somebody that was very active because there were so many people and so many organizations that took part in the Centennial, I am sure that we will miss somebody, but our "thank you" goes out to everyone that took a part in the Centennial, which really was over a

year in planning, leading up to the weekend of celebration.

Let me just state, too, that before I get into the proclamation, unfortunately it is on a sad note, but that our prayers are with the Director of Parks and Recreation, Faith Gallo, whose husband was on that plane, but also PNC, who was a very big contributor, suffered a great loss on the plane crash, they would have been here also. So, I just want to mention that, and I am sure everyone in this room, our prayers go out to all of those families that were on the plane, had relatives on the plane.

Stating that, I would like to get into the proclamation, and just say a few things. One, about PNC. PNC, on the day of the opening of the celebration, handed us a $20,000.00 check, the largest contribution for the Centennial, and we you think that we have a budget of around $50,000.00, you could see they almost gave half of the money.

Also, I cannot say enough about the City departments that participated, Public Works, Parks and Recreation, Engineering and Construction, and so on, every department had their hands in on this particular project.

And, the neighborhood, the individuals that got together over a year ago when we would meet over two different administrations, wondering if we could even pull this off, it really came together and the hard work and volunteer time, and I stress "volunteer," they were not paid for this and they continued to show up and they saw it through.

The people we have here today from CitiParks, we have Bob Stump, Patty Antonucci, Pat Cannon, Ed Kranick, Bobby Rickard; Engineering and Construction, Ray Sinagra; Public Works, Don Onorato. We also have with us Peg Kartanas from Barbara Burns' Office, State Representative Barbara Burns' Office; Rich Sestric, Skip McCrea and Rhoma Kropf from Observatory Hill Citizen's Federation of Council; Cathy Deverts and Connie Pukanic from AGH.

AGH, I cannot say enough about AGH, not only did they help with the park celebration, but AGH has been such a key player in all of the North Side events, regardless of what we ask them. They provide the printing, they provide the marketing for this particular program. They never say "no" to us and they have always been a good neighbor, from employment of North Siders to just helping promote the North Side.

David Knight is here from Allegheny Center Associates. Myrna Antonio Hall, United Way Partners in Parks. Myrna not only helped with the Centennial but also helped with the Day of Caring, which followed a few days later, which is over 400 individuals that were in the park from the federal agencies that helped renovate the park again this year, spending eight hours in the park.

We have Jay Rolling from the University of Pittsburgh and Eileen Stewart from the Mayor's Office, who was the person, the contact person at all the meetings and the Mayor played a critical role or this event would not have come off so smoothly.

If I could pull the proclamation out here.

MR. ONORATO PRESENTS

No. 984 WHEREAS, On July 4, 1894, t he City of Allegheny formally dedicated 217 acres of land including the Samuel Watson Farm and land donated by Thomas M. Marshall. The ceremony was attended by over 25,000 people who were awed by a fireworks display; and

WHEREAS, The City of Allegheny was annexed by the City of Pittsburgh, and Riverview was incorporated in Pittsburgh's park system; and

WHEREAS, The original park exhibited a zoo, a carousel, and a view of the Ohio river, but today Riverview boasts over 300 acres of park land where residents can enjoy tennis courts, a swimming pool, picnic shelters, hiking, biking and walking trails, horse trails, playgrounds, the Allegheny Observatory, and the quiet benefits of exploring nature; and

WHEREAS, On August 19th & 20th, 1994, the City of Pittsburgh will celebrate the 100th birthday of Riverview park in grand style with a parade, concerts in the park, a 5k fun run/walk, pony rides, children's activities, nature hikes, cinema in the park, hot air balloon rides, and a laser light show; and

WHEREAS, The Riverview Park Centennial Committee was established in January

of 1994 and consisted of community leaders, non-profit organizations, educational institutions, religious groups, corporations, government officials and neighborhood residents who worked to provide creative, financial, and physical resources for this spectacular weekend celebration;

NOW, THEREFORE, BE IT RESOLVED, That the Council of the City of Pittsburgh commends and congratulates the Riverview Park Centennial Committee for their hard work and dedication in planning this superlative and memorable Riverview Park Centennial Celebration.

MR. ONORATO moved to adopt the resolution.

MR. COHEN seconded the motion.

Which motion prevailed.

Mr. Onorato:

I would like to just end to say "thank you". Thank you, not just as a Councilman but as a North Side resident, a life long North Side resident. This park has never looked this good as long as I can remember. There have been so many improvements over the last 24 months that probably should have been done over the last 50 years, but the park looks great and in addition to looking great, we really exposed the park to a lot of outsiders. When I say "outsiders," the people that aren't on the North Side that know about it. It is one of the few parks probably in Allegheny County that 90 percent of Allegheny County residents did not even know existed, having 300 acres in the middle of the City.

What is unique about this park, when it was the City of Allegheny -- this is just a little note, I think you would enjoy -- the City of Allegheny opened this park a few years after Schenley was opened with the City of Pittsburgh, because the two Cities were competing back then a hundred years ago for who had the most prestige in the area, so they wanted to compete with Schenley and they built a huge park, the City of Allegheny, called Riverview, now the City of Pittsburgh, we are blessed with four major parks and this is probably the one park that was least known to most people. One thing we have done, we have put Riverview back on the map, thanks to all of these people here and hundreds of individuals that could not make it in here today.

So, once again, I want to thank everyone. I am going to ask Bob Stump to come forward and please, Bob, mention anybody that I missed because I do not want to leave anyone out and say a few words about what took place. Thank you.

MR. STUMP:

Thank you, Councilman. I just want to say "thank you" on behalf of Faith Gallo, who clearly would have been here and who wants to express her own gratitude to Council, to the other City departments, certainly to the Mayor and the community who helped really drive this effort. As a new Director, she came in the middle of this and just wants to express her gratitude for all the support and help that she received, and as Dan said, certainly our thoughts are with her and her family today.

We want to also thank, of course, the sponsors. Dan mentioned PNC, I need to tell you -- and AGH -- Baker-Mellon-Stuart, US Health Care and certainly Dan Rooney from the Steelers who co-chaired this effort with Faith.

Also, on Faith's behalf I want to thank CitiPark's staff. You will know in the proclamation that a hundred years ago we ended it with a fireworks, this year we ended it with lasers, it is the sign of the times, but it is also a sign of the program staff's commitment to doing some new things in programming. We are looking at the park, as well, as a program site and trying to discover, together with the community, what might be appropriate for programming.

And, finally, certainly Faith would want me to mention that we could not have paid for the volunteer effort that we received. We believe that over a -- Rich told us in the meeting before this that over a thousand volunteer hours accrued that weekend of the celebration, but beyond that was the volunteer hours that Rich and Rome and some of the other citizens and Skip put into this, I mean just -- we could not have paid, the City could not have paid for the effort of those community members, and we really want to express our thank you, and certainly to Dan who helped us in Council to clear a number of road blocks and help lead this effort.

So, thank you on the part of Faith Gallo and the Department of Parks and Recreation.

Mr. Onorato:

Before I ask someone else to come forward here, I also want to say, we had the Movies in Park, we brought it back for the Centennial and the estimates were anywhere, depending on who's counting, between 600 and 1,000 people. Regardless of what number you use, that is a significant number. It shows that the Movies in the Park, it does work, it also brings people out into the parks and if you really want to talk about safety, the best way to handle safety in the City is to bring people out because the fear is gone when you have that many people there.

It was a fun night, we sat out on blankets, we watched movies and there was also the laser show another night where hundreds of people showed up.

It is something that we as Council and then working with the Mayor have to look forward in the future, of how do we program these four regional parks. I think it is something that could be very successful and very inexpensive if we do it the right way.

At this time I also would like to ask anyone, let's say from the neighborhood, who wants to talk about it from the residents side? Is Skip up here? Where is he hiding? Skip or Rich, do you both want to come on up.

Rich Sestric, who for years was President of Observatory Hill but right now is just one of the board members and very active in the neighborhood.

Mr. Sestric:

Thank you, Dan. This celebration is long overdue and we at Observatory Hill have been working very hard at the Riverview Park and we want to continue this momentum for the revitalization of the park. Years ago we had the renaissance on Riverview Park and we want to continue that.

In the faith of -- when we look at former Mayor Caliguiri, that he had a commitment to Riverview Park, and Dan has carried that forth and we want to continue that. Thank you.

Mr. Onorato:

Thank you, Rich. And is there anyone else that would like to come forward and say a few words. Skip McCrea, who personally adopted the park.

Mr. McCrea:

Yes, I am actually not even a native North Sider, I am from Mt. Washington. But, what I want to say is, if you think the last hundred years were something, wait till you see what we got planned for the next hundred.

Mr. Onorato:

All right. Finally, Myrna, or anyone from the corporate side, would like to say a word? If not, I just want to, once again, thank everyone, and end it with -- Dorie, if you could pass out the shirts. We have the Centennial shirts for all of my colleagues, so when you are out in your nine districts throughout the City, and they say, where is that park, we are personally going to ask you to escort them over to Riverview. We have buttons, too, for everyone.

So, I want again to thank everyone and I know we are broadcast live across the City, invite all of the residents of Pittsburgh to come over and enjoy the park with us.

Thank you, Mr. President.

The Chair:

Thank you very much. Mr. Cohen.

Mr. Cohen:

Thank you, Mr. President. While Dorie is handing out the T-shirts, I also just want to congratulate everybody for their participation, Councilman Onorato, all of the City employees, t he corporations, everybody. I got a chance to go to the opening ceremonies, which were just fantastic. I thought one of those skydivers was going to fall on me, but it just -- it was great.

I think we take -- some of us -- take our parks for granted now, and we are so blessed in this City to have, really, hundreds of parks, but four regional parks and we have got to do everything we can to make sure that those parks are not encroached upon by either commercial development or any other kind of development because they are just wonderful, wonderful places, including Riverview.

So, I just want to congratulate all of you, too.

The Chair:

Thank you. Again, I would like to applaud my colleague Mr. Onorato and his staff people. I know Dorie, Chuck, others worked very hard on the celebration. I think the community should be pleased they have a strong advocate in Mr. Onorato, who at every other meeting it seems like we are talking about Riverview Park, which is good because that has not happened in these Chambers for a long time.

So, we are pleased to add Riverview to the City's Century Club of the hundred year old other parks that we have, and as the gentleman states, let's not wait another hundred years to have a celebration.

Mr. Onorato:

And there is just one name I want to mention because he is up here and I always forget to mention his name but he is always there. Ed Kranick, who was in Parks and Rec, is now in Public Works, or whatever department we call it now with these mergers. I want to personally thank you and your staff because you did one heck of a job on that park. And Ed Kranick, everytime I think of Ed, he told me throughout this whole thing a year ago, as I would scream and get hyper, Mr. President, he also said, "Onorato, you never have to panic when you're dealing with Kranick," and he took care of me.

Mr. Kranick:

Thank you.

The Chair:

Thank you all. Thanks for the inspiration, too.

Mr. Onorato:

Mr. George Rose, if you can come forward, please.

I should mention, this has some tie to the Centennial. Mr. Rose was part of the parade and this proclamation was not read there but a lot of nice statements were made about Mr. Rose and we would like to recognize him today separately because he had a pretty unique life and I think he should be commended for a lot of his actions.

So, I would like to start off by reading the proclamation.

MR. ONORATO PRESENTS

No. 985 WHEREAS, Sergeant George Walton Rose, an Observatory Hill resident and Perry High school Graduate, received two Silver Stars for gallantry; and

WHEREAS, On October 25, 1967 near Dau Tieng, Vietnam, while under enemy fire and with complete disregard for his own well being, Specialist Four E4 George W. Rose, as a squad leader in Headquarters Co, 2nd Battalion of the 25th Infantry Division, carried an injured man to a place of safety, saving the man's life. He was cited for personal bravery, aggressiveness, and devotion to duty; and

WHEREAS, Sergeant rose received the second Silver Star for his actions on November 6, 1967, while on a Reconnaissance Mission near Loc Ninh. Their battalion was surrounded by an enemy division, as third in command of the recon battalion, Rose was instrumental in the fighting which saved their battalion against great odds; and

WHEREAS, Sergeant Rose, having also been decorated with the Bronze Star, purple Heart, and Commendation Medal, was inducted into the Hall of Valor at soldiers and Sailors Memorial Hall on August 14, 1994;

NOW, THEREFORE, BE IT RESOLVED, That the Council of the City of

Pittsburgh commends and congratulates Sergeant George Walton Rose for bravery and valor "above and beyond the call of duty" while in action for the United States Army Infantry.

MR. ONORATO moved to adopt the resolution.

MR. RICCIARDI seconded the motion.

Which motion prevailed.

Mr. Onorato:

Mr. Rose, I once again would like to thank you personally for your duty to our country. In 1994 it is easy to forget what a lot of individuals went through just a short time ago, some 25, 30 years ago, to some of us that could seem so far away, but we want you to know that there are a lot of people that thank you and many like you that basically put your life on the line for the freedoms that we take for granted, and I personally thank you very much.

Mr. Rose:

Well, I would like to thank all the people that helped me and Council, Jackie Mitchell, Amos Larsen, Dick Rizzo.

And, I would like to go back into Vietnam myself there for the MIAs and the POWs that are still over there and for the men we have lost over there. I accept this award for the people that got killed in there, 57,000.

I guess that is about the main thing I can say about it there. But, I would like to go back into Vietnam to see if we could negotiate somebody to get the rest of the people out, if possible. And that is the best I can say on that.

The Chair:

Thank you very, very much.

We have two resolutions from Mr. Onorato to be read into the record. If the City Clerk would please.

MR. ONORATO PRESENTS

No. 986 WHEREAS, Mr. Orlando Giorgetti will celebrate his seventieth birthday on Friday, September 16, 1994; and

WHEREAS, Mr. Giorgetti was a proud resident of the City of Lucca in the Tuscany region of Italy; and

WHEREAS, Mr. Giorgetti immigrated to America in 1955 and became a United States citizen in 1960. Mr. Giorgetti was a resident of the City of Pittsburgh from 1955 - 1971 and is now a resident of Carnegie; and

WHEREAS, Mr. Giorgetti was employed by Tambellini's on Carson Street, Tambellini's on Seventh Avenue and the Lee C. Moore Corporation to name a few and was well loved by all the people with whom he worked; and

WHEREAS, Mr. Giorgetti worked hard all of his life to be the best individual he could be. He has made his family proud.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh would like to join with Orlando's son Nello and his wife Yolanda in wishing him a very happy seventieth birthday.

MR. ONORATO moved to adopt the resolution.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

The Chair:

Mr. Onorato, do you have another?

Mr. Onorato:

Mr. President, the other one, the individual was supposed to be here today, for some reason could not make, we are going to hold till next Tuesday.

The Chair:

Very good. Councilman Ricciardi and Councilman Smith.

Mr. Ricciardi:

Thank you, Mr. President. On behalf of Councilman Christopher Smith and myself, I would like to present the following two resolutions to be read into the record.

The Chair:

Thank you, Mr. Ricciardi.

MESSRS. RICCIARDI AND SMITH PRESENT

No. 987 WHEREAS, on Sunday, September 11, 1994, the Voices of Faith Group, comprised of four women and two men, will celebrate their 27th Anniversary; and,

WHEREAS, the Voices of Faith singers have traveled throughout the City of Pittsburgh lifting their voices in praise and glory; and,

WHEREAS, the 27th Anniversary Celebration is being held at the Olivet Baptist Church located at 2312 Centre Avenue, with the blessings of Pastor W.E. Bishop; and,

WHEREAS, the Celebration will feature Pittsburgh' own Gospel Lights and a host of others including The Trumpet of Joy from Alliquippa, Shirley Bates from Pittsburgh and Gospel Cross from Philadelphia.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh hereby extends recognition to the Members of the Voices of Faith singing group for their labor of love to this community and to God.

SPONSORED BY COUNCILMAN CHRISTOPHER A. SMITH AND COUNCILMAN GENE RICCIARDI

MR. RICCIARDI moved to adopt the resolution.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

MESSRS. RICCIARDI AND SMITH PRESENT

No. 988 WHEREAS, City Council Members would like to acknowledge Reverend Donald O. Clay, Jr., for ten years of dedicated service to his ministry; and,

WHEREAS, Reverend Donald O. Clay, Jr., is a young minister aspiring to continue to bring about a change in this present world situation; and,

WHEREAS, Reverend Donald O. Clay, Jr., is head of the Nehemiah Group of Pittsburgh and presently serves as minister over a large congregation of youth, young adults and the old alike.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh recognizes the contributions and dedication of Reverend Donald O. Clay, Jr., and extends best wishes for continued success in his efforts to bring peace and love to all people.

SPONSORED BY COUNCILMAN CHRISTOPHER A. SMITH AND COUNCILMAN GENE RICCIARDI

MR. RICCIARDI moved to adopt the resolution.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

The Chair:

At this time the Chair presents two resolutions. Would Cathy Curley and others from the NeighborFair Organization come forward.

I would like to ask that this resolution be on behalf of all my colleagues, recognizing the volunteers of this past weekend.

THE CHAIR PRESENTS

No. 989 WHEREAS, September 10, 1994 marked NeighborFair Pittsburgh's Ninth Annual Pain Your Heart Out Pittsburgh Event, which is a citywide paint-a-thon designed to help elderly, disabled, and low income homeowners maintain the exteriors of their homes--free of charge; and

WHEREAS, Approximately 1,500 volunteers representing local banks, corporations, community groups, church groups, and other organizations participated in this year's event

helping to set a new record high of 88 homes painted by the volunteers; and

WHEREAS, All of the volunteers were provided with free tee-shirts and free lunches that were delivered to the homes involved in this year's Paint Your Heart Out Pittsburgh Event; and

WHEREAS, Over the past nine years, 718 city residents and their homes have benefited from Paint Your Heart Out Pittsburgh; and

WHEREAS, Paint Your Heart Out Pittsburgh is sponsored by NeighborFair Pittsburgh, Inc., which is a non-profit organization that promotes living and home buying in the City of Pittsburgh.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby commend NeighborFair, Inc., for their continuing efforts to provide services such as Paint your Heart Out Pittsburgh to those individuals that truly need them.

SPONSORED BY ALL COUNCILMEMBERS.

The Chair:

Motion to approve.

Mr. Cohen:

So moved.

MR. RICCIARDI seconded the motion.

WHICH MOTION PREVAILED.

The Chair:

We have Cathy Curley, here, also. I do not see Rich Bruce, he is usually here every year and I know he is still a very active leader in this effort.

This is a tremendous effort. All of Councilmembers at one time or another have participated, including many this past weekend. So, I am very pleased and on behalf of all of us to give the recognition not only to NeighborFair but to the many volunteers who help out and to many of the companies that contribute the paint and the materials.

I would like to call on Cathy Curley at this time.

Ms. Curley:

Yes, I would just like to thank Council and everybody here for helping us celebrate this annual paint-a-thon. With the help of various City departments, local corporations and the foundation community, about 1500 volunteers, we would able to paint 88 homes, as the Councilman said, which not only go to benefit the individuals who are in need of this help but it also goes to spruce up the neighborhoods where they are and kind of put a nice shine on this City as a whole.

So, we would just like to thank everybody who was involved and Council for helping us celebrate the day. Thank you.

The Chair:

Thank you very much. Thank you all and keep up the good work and I will see you next year.

I would like Darren Ryan and the other representatives from the Showhouse '94: War on AIDS to come forward.

I will let Darren introduce his guests later on at the appropriate time.

Members of Council, I would like to move the following resolution:

THE CHAIR PRESENTS

No. 990 WHEREAS, Showhouse '94: War on AIDS Premiere Gala and Silent Auction will benefit the Pittsburgh AIDS Task Force and the Mexican War Streets Society and the vital services these organizations provide for our city and region; and

WHEREAS, Showhouse '94: War On AIDS is taking a stand on two important legislative initiatives by advocating the federal Employment Non-Discrimination Act and opposing the proposed cuts in funding for the Pitt Men's Study which provides testing and education for AIDS prevention and awareness; and

WHEREAS, Showhouse '94: War On AIDS Weekend is to be highlighted with a tour of "Showhouse '94" a three story Italianate row house restored to its original elegance and located on Palo Alto Street; and

WHEREAS, this year's event promises to be an even bigger success than last years by treating guests to an evening of live jazz, art, fashion, food and a unique silent auction all within one of our city's great historic neighborhoods; and

WHEREAS, the Honorary Co-Chairpersons for this year's Showhouse Premiere Gala include the Honorable Barbara Hafer, Pennsylvania Auditor General; Jack Martin, WTAE News Anchor/Reporter and Pittsburgh City Council President Jim Ferlo; and

WHEREAS, Showhouse '94: War On AIDS Weekend will take place on Saturday, September 17, 1994, at 7:00 p.m. in conjunction with the 25th Annual Mexican War Streets Society's "House Tour '94" which is scheduled for Sunday, September 18, 1994 "Showhouse '94: War On AIDS Weekend"; and

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby declare war on AIDS by proclaiming the weekend of September 17, 1994 "Showhouse '94: War On AIDS Weekend"; and

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh does hereby urge all City residents to attend this gala even.

The Chair:

Motion to approve.

Mr. Ricciardi:

So moved.

Mr. Cohen seconded the motion.

WHICH MOTION PREVAILED.

The Chair:

Thank you very much. I think the proclamation says it all. It is a tremendous volunteer effort. I know Darren, in particular, and his friends have been very active for the last many years putting on this event. It raises a significant amount of money to assist the effort of the Pitt Men's Study and other organizations that are providing services within the community and to the individuals affected.

All of the efforts of the volunteers, they rely heavily on the generosity and the good show of support of Pittsburgh residents. So, I am really encouraging my colleagues, I know you always hit up with attending events, if you can come by Saturday night, I would very much appreciate it. I would be glad to introduce you. You can maybe buy an art piece or something else, if you have dime in your pocket.

But, again, if you can help promote the event. Darren will explain so more of the details. They have already had a very large number of people sign up for this weekend. I have asked the Honorable Barbara Hafer to show support also and she will be there this weekend.

I think we all know how serious the issue is and the problem. I think everybody in this room and in the listening audience either directly or indirectly has been affected by the problem and the crises of AIDS in our society here in Pittsburgh, here in Allegheny County, and it is unfortunate that at a time when the need is growing geometrically, we also have a further reduction in support services, both at the federal, state level, at the county level for such important direct service as well as advocacy organizations. That needs to change, and I think part of the weekend's activity, obviously, are to help raise money but in some way I hope that from an advocacy point of view we can stand together and show our commitment and concern and let others know, especially at higher levels, that they need to put money where their mouth is and really begin to provide the adequate number of financial resources needed to deal with the crises that we are all affected by.

I personally have lost over six loved ones in the last four years by this disease. I think everybody in this listening audience knows somebody in the community or somebody at work, somebody at their church, somebody at their religious institution who has been affected. We in this Council have tried to do what we could with the little resources that we have. I know we in the past have given money to Pittsburgh Men's Study, the Pittsburgh AIDS Task Force, Shepherd

Wellness Center. I know Councilman Cohen had a letter that he has written to legislators on the issues of the Discrimination Act and Funding for the Pitt Men's Study group, and I applaud him. But, we need to do more. So, part of this effort, obviously, is fund raising, but I think it is also advocacy.

And, at this time I would like to introduce Darren Ryan, who single-handedly, with his friends, volunteers and really puts this whole event together each year. Darren.

Mr. Ryan:

Well, first off, Lance LaCharty is standing right here in our Showhouse '94 tee-shirt, Frank Barton and Jay Malusso have been absolutely incredible volunteers. There has been 40 plus volunteers into this, and it is going to be absolutely wonderful.

We would also like to thank the City and City Council for the support that it has been giving to the Pittsburgh AIDS Task Force and to events like the Showhouse '94.

We would also like to thank the other 40 plus volunteers that could not be here this morning, due to work and other things, for all of their hard work.

The Second Annual Showhouse War Against AIDS raises money for the Pittsburgh AIDS Task Force Outreach Department, which supplies our region with educational and preventive materials in hopes that we can stop this disease through education. The event is also in conjunction with the Mexican War Streets Society's 25th Annual House and Garden Tour, which is the oldest house and garden tour in the City. The partnership of these two organizations has a very strong statement to our community and to our City, that we are not going to let our community die or decay. We need our community to be very strong and very healthy. And, it is a very important point that these two organizations have gotten together and hopefully it will stay together, as far as a partnership.

And, again, this here Showhouse is this Saturday evening at 7 o'clock, and the house tour is this Sunday at 11 p.m. So, thanks.

The Chair:

Thank you all and a lot of luck on Saturday, I hope you can raise a lot of money for the important work of the organizations involved.

At this time we will move to Presentation of Papers.

Councilman Cohen, Committee on Public Safety.

MR. COHEN PRESENTED

No. 992 Resolution authorizing the transfer of Thirty-Five Thousand Dollars from Code Account 1402-9, Index Code 140293, Worker's Compensation, Bureau of Administration, to Code Account 1420-9, Index Code 142091, Worker's Compensation, Bureau of Emergency Medical Services, Department of Public Safety.

Which was read and referred to the Committee on Finance.

MR. COHEN moved to suspend Rule 8 by providing for consideration of the bill only until or after the 8th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

MR. ONORATO PRESENTED

No. 993 Resolution providing for the issuance of a $1620.37 warrant in favor of Robert J. Schmidt for auto damage by a City fire vehicle charging same to Code Account No. 46, Judgments.

Which was read and referred to the Committee on Finance.

MR. ONORATO moved to suspend Rule 8 by providing for consideration of the bill only until or after the 8th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

MR. O'CONNOR seconded the motion.

Which motion prevailed.

Also,

No. 994 Resolution providing for the conveyance by the City of Pittsburgh of certain property under Act No. 171 of 1984, entitled, "Second Class City Treasurer Sale and Collection Act," effective December 11, 1984.

Which was read and referred to the Committee on Finance.

MR. RICCIARDI PRESENTED

No. 995 Resolution providing for a Cooperative Agreement between the City of Pittsburgh and the Borough of Ingram in connection with the flex base pavement overlay of Charlton Street from Berry Street to the City Line and providing for the payment thereof by the Borough to the City of the Borough's share of the costs thereof. Said amount shall be deposited into Asphalt Reimbursement Trust Fund - Index Code 250100.

Also,

No. 996 Resolution authorizing the Director of the Department of Public Works to provide a license agreement with Consolidated Rail Corporation granting the City a license to construct, m maintain, repair and renew an electric line over the land and tracks of Consolidated Rail Corporation in the 12th Ward, 9th Council District of the City of Pittsburgh.

Also,

No. 997 Resolution granting unto Conmat, Inc., 1329 Woods Run Avenue, Pittsburgh, Pennsylvania, 15212, their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, a fence under the Shadeland Avenue Bridge right-of-way between Woods run Avenue and Lecky Avenue in the 27th Ward, 1st Council District of the City of Pittsburgh.

Also,

No. 998 Resolution granting unto A.C.H. Tavern, 1321 Woods Run Avenue, Pittsburgh, Pennsylvania, 15212, their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, a parking area under the Shadeland Avenue Bridge right-of-way between Woods Run Avenue and Lecky Avenue in the 27th Ward, 1st Council District of the City of Pittsburgh.

Also,

No. 999 Resolution granting unto John Bogosto with an address at 3608 Manuel Street, Pittsburgh, Pennsylvania, 15214, his successors and assigns, the privilege and license to construct, maintain and use at his own cost and expense, a fence on a portion of Elph Way and Bobby Way in the 26th Ward, 1st Council District of the City of Pittsburgh.

Also,

No. 1000 Resolution granting unto Daniel B. and Tammy L. Wallace, 370 Junius Street, Pittsburgh, Pennsylvania, 15220, their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, a driveway in the right-of-way of Adolph Way between Junius Street and Mellinger Street in the 20th Ward, 2nd Council District of the City of Pittsburgh.

Also,

No. 1001 Resolution granting unto Ned Shekels with an address at 814 Selby Way, Pittsburgh, Pennsylvania, 15203, his successors and assigns, the privilege and license to construct, maintain and use at his own cost and expense, an entrance stoop and steps in the right-of-way of 814 Selby Way in the 17th Ward, 3rd Council District of the City of Pittsburgh.

Also,

No. 1002 Resolution granting unto Mark J. & Mary Ann Barry, 2717 Plough Street, Pittsburgh, Pennsylvania, 15212, their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, a fence on a portion of the right-of-way on Dickson Street in the 27th Ward, 1st Council District of the City of Pittsburgh.

Also,

No. 1003 Resolution granting unto Cheryl A. Henretty with an address at 3400 Delaware Avenue, Pittsburgh, Pennsylvania, 15214, her successors and assigns, the privilege and license to construct, maintain and use at her own cost and expense, a fence on a portion of the right-of-way on Beryl Way and Chemung Way in the 26th Ward, 1st Council District of the City of Pittsburgh.

Also,

No. 1004 Resolution granting unto H.T.C.Y., 3716 Forbes Avenue, Pittsburgh, Pennsylvania, 15213, their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, a sidewalk cafe on a portion of the sidewalk area on Oakland Avenue in the 4th Ward, 3rd Council District of the City of Pittsburgh.

No. 1005 Resolution granting unto Robert Wholey & Company, Inc., 1711 Penn Avenue, Pittsburgh, Pennsylvania, 15222, their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, a canopy over a portion of the sidewalk on Penn Avenue in the 2nd Ward, 6th Council District of the City of Pittsburgh.

Which were severally read and referred to the Committee on Public Works.

MR. RICCIARDI FOR MR. SMITH PRESENTED

No. 1006 An Ordinance amending the Pittsburgh Code, Title Nine, Zoning District Map No. 12 and Map No. 17, by changing from "R2" Two-Family Residence District to "R3" Multiple-Family Residence District certain property having 230 feet of frontage on the northerly side of Bartlett Street west of Murray Avenue and identified as 5731, 5741 and 5751 Bartlett Street (Lots 231, 235 and 239, Block 86-L in the Allegheny County Lot & Block System), 14th Ward. (Council District No. 5)

Also,

No. 1007 RESOLUTION AMENDING RESOLUTION NO. 276 APPROVED MAY 3, 1994, AS AMENDED, ENTITLED, "RESOLUTION providing for an Agreement or Agreements with various community organizations for operational/administrative expenses, maintenance, purchase of equipment; and/or minor rehabilitation of neighborhood facilities for the benefit of residents of the City of Pittsburgh, at a cost not to exceed $101,500.00, chargeable to and payable from Code Account 1103 (110304) Miscellaneous Services, Department of City Planning. By changing Three Five Community Advocates to Hill Community Development Corp. (Three Five Community Advocates)--- **(SPONSORED BY CHRISTOPHER A. SMITH)**

Which were read and referred to the Committee on Planning, Housing & Development.

MR. RICCIARDI moved to suspend Rule 8 by providing for consideration of the bills only until or after the 8th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

Mr. Cohen:

Discussion on the motion, not to oppose it.

There would have to be a public hearing on that bill, Mr. President?

The Chair:

Absolutely.

Mr. Cohen:

So, the public hearing would be later then, of course?

The Chair:

Yes. It is only being introduced to facilitate the scheduling of a public hearing.

Mr. Cohen:

Thank you.

THE CHAIR PRESENTED

No. 1008 Resolution further amending Resolution No. 1348, effective January 1, 1993, entitled: "Adopting and Approving the 1993 Capital Budget and the 1993 Community Development Block Grant Program; and approving the 1993 through 1998 Capital Improvement Program," so as to reduce a line item in City Planning, increase a line item in City Council, and create a new line item in City Council.--- **(SPONSORED BY JIM FERLO)**

Which was read and referred to the Committee on Planning, Housing & Development.

Also,

No. 1009 Resolution repealing Resolution No. 619, approved August 11, 1994, entitled, "Resolution providing for the issuance of a warrant in favor of the Walter H. Drane Company in the amount of $10,735.00 for professional services in connection with the preparation, printing and delivery of supplements to the Pittsburgh Code."---**(SPONSORED BY JIM FERLO)**

Which was read and referred to the Committee on Finance.

UNFINISHED BUSINESS

The Chair:

At this time we move to Unfinished Business. Are there any matters to be brought under Unfinished Business or Reports of Special Committees?

Just one thing, very briefly. We have a number of vacancies on the Cable Communications Advisory Committee. One individual needs to be appointed from Wards 1 through 9, that would be what they describe under the Committee as District 2. We had an individual who was serving briefly but had to resign. So, we need a nominee from Wards 1 through 9. And, also we have at least four vacancies of the At Large category that can be from throughout the City.

So, I would ask my colleagues, in the next week or so, if you have any names on any bios you would like to submit for nomination and appointment to the Cable Communications Advisory Committee, I would appreciate hearing from you, if not, I am going to move to locate individuals. So, if you have names please try to nail this down in the next week. We do have a rate review consideration underway and it would be nice to have a full functioning committee.

I would also ask that Mr. Cohen help me facilitate a meeting. We need a joint meeting of the Cable Committee and some of the Councilmembers, with Director Miskovich just to clarify function and roles, over the next couple months. And, also I think we need to coordinate the evidentiary hearing, which will be a formal public hearing of City Council. So, I will ask that you please help in that respect.

Mr. Cohen:

Yes.

REPORTS OF COMMITTEES

The Chair:

At this time we will move directly to Reports of Committees. Calling on Councilman Onorato, Committee on Finance.

Mr. Onorato:

Mr. President.

The Chair:

Thank you, Mr. Onorato.

MR. ONORATO PRESENTED

Bill No. 1010

Report of the Committee on Finance for September 8, 1994, transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 965

A Resolution entitled, "Resolution providing for the transfer of $373,850.00 from Code Account 1922, Index Code 192203, Miscellaneous Service, Department of Water, to Code Account 1154-1, (115410), Rental of Motorized Vehicles, Department of General Services."
Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Hertzberg	Mr. Ricciardi
Mr. O'Connor	Mr. Ferlo
	(Pres't)

AYES 6 NOES none

The bill having received the legally required number of votes passed finally.

MR. HERTZBERG PRESENTED

Bill No. 1011

Report of the Committee on Parks and Recreation for September 8, 1994, transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 972

RESOLUTION AMENDING RESOLUTION NO. 273 APPROVED MAY 3, 1994, AS AMENDED BY RESOLUTION NO. 396, APPROVED JUNE 2, 1994, ENTITLED, "RESOLUTION providing for an Agreement or Agreements with various community organizations for operational/administrative expenses, maintenance, purchase of equipment; and/or minor rehabilitation of neighborhood facilities for the benefit of the residents of the City of Pittsburgh, at a cost not to exceed 135,200.00, chargeable to and payable from Code Account 1838 (183806) Miscellaneous Services, Recreation, in the Department of Parks and Recreation," by changing "Sprinters Track Club" to "Hill District Ministries, Inc., (Sprinters Track Club)."

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Hertzberg	Mr. Ricciardi
Mr. O'Connor	Mr. Ferlo
	(Pres't)

AYES 6 NOES none

The bill having received the legally required number of votes passed finally.

MR. RICCIARDI PRESENTED

Bill No. 1012

Report of the Committee on Public Works for September 8, 1994, transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 966

A Resolution entitled, "Resolution vacating a portion of Carey Way from previously vacated South 30th Street a distance of 48.06 feet northwesterly in the 16th Ward, 3rd Council District of the City of Pittsburgh. The Department of finance recommending a fee of Four Hundred Dollars ($400.00) be charged for the vacation of the same.

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Mr. Ricciardi.

Mr. Ricciardi:

Thank you, Mr. President.

As stated during our committee session, this bill will help facilitate the construction of a new Slovak Club in the City of Pittsburgh, specifically on the South Side, and the Slovak community and others thank you for your support.

The Chair:

Thank you. Any other discussion?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Hertzberg	Mr. Ricciardi
Mr. O'Connor	Mr. Ferlo (Pres't)

AYES 6 NOES none

The bill having received the legally required number of votes passed finally.

MR. COHEN PRESENTED

Bill No. 1013

Report of the Committee on Public Safety for September 8, 1994, transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 926

AN ORDINANCE supplementing the Pittsburgh Code, Title Six-Conduct, Article I, Regulated Rights and Actions, by adding Chapter 602 - Minors.

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion or action?

Mr. Ricciardi:

Mr. President.

The Chair:

Mr. Ricciardi.

Mr. Ricciardi:

On behalf of Mr. Hertzberg and myself, I would like to amend by substitution Bill 926 and my colleagues should have it in front of them.

The Chair:

You have a motion on the floor to amend by substitution, you have it on the table before you. What is the pleasure of the body?

MR. HERTZBERG seconded the motion.

The Chair:

It has been moved and seconded. Any discussion on the actual amendment by substitution?

All in favor of the amendment by substitution?

WHICH MOTION PREVAILED.

The Chair:

Discussion on the bill. Mr. Hertzberg.

Mr. Hertzberg:

Mr. President, I want to thank Mr. Ricciardi, I want to thank City Solicitor Jacqueline Morrow, Assistant Solicitor Ashley Schannauer for all working hard on this substituted bill.

I think we have covered just about every objection that we heard from any source in the original bill.

Initially we have some findings of City Council in this substituted bill which deals with the criticism that perhaps we are stepping into the domain of the schools in this bill and that we try to make it clear in our findings that what we are addressing here is a problem on the City streets and not a problem within the schools, because problems within the schools are left to the schools to handle.

We have also added some specific hours to this legislation. This bill on Minors and Truancy would only be in effect from 9 a.m. to 2 p.m. on weekdays that are scheduled school days and that are not holidays.

We have also defined the term "emergency". We have also added a term "establishment," which is basically a place of business, and we have actually added that.

So, you see some different things happening to the bill here. But, I think the problem that we have with truancy exists not only on the public streets but also within places of business that are open to the public. So, that has been added.

And we have also added -- in a defense is something I think that would cover one of the areas that you brought up, Mr. President. We have added a defense that someone is legally absent from school or not required to be in attendance pursuant to the Public School Code or local school policy or regulations, which covers the instance where you have a student that has been suspended and cannot be in school and is not required to be anywhere else.

And, also, under the Penalty Provisions there was some concern that the Judicial Code prohibits a sentence of community service where it says that the minor judiciary cannot sentence for summary offense, a sentence that would be detaining, committing or imprisoning children. There was some concern that community service could be deemed to be such a penalty, although it is not clear and there are no court decisions on that, but we have addressed that problem by making the community service provisions and option of the particular offender, and we have also actually lowered the number of hours from five for a first offense, ten for a second and 15 hours for a subsequent offense, and it would be up to the offender if they would rather serve those sentences as opposed to being fined.

That is a summary there.

The Chair:

Thank you very much, Mr. Hertzberg. Mr. Ricciardi.

Mr. Ricciardi:

Thank you, Mr. President. First of all, I would like to thank Councilman Hertzberg for his initiatives and hard work in this field and he really needs to be commended and not only his district but throughout the City of Pittsburgh.

Personally I am excited about this bill because I think it is going to address a huge problem here in the City of Pittsburgh and that is the army of truants that we have upwards of 3,600 and obviously the students are suffering, they are suffering because they are not in school getting a good education, an education that will help them throughout life, and they are also -- many of them, if not the majority of them, are just harassing our residents, even by their mere presence and loitering on our sidewalks and it needs to be addressed.

I find it very interesting that the School Board officials came to the public hearing and asked for, quote, more time to solve this problem. They also stated that they are going to address the problem, they have been addressing it throughout the years, where their own statistics showed that

they should get an "F" in this field. They failed. Their own statistics have shown that in the 1980s and in the 1990s that they have always been above 3,000 truants. So, how much time do they need, time is out, the grade's in, they received an "F", it is time that the City Hall now steps in and tries to address this problem.

There were a few very constructive criticisms during the public hearings, one was vagueness and one was overbreadth. The definitions that have been added really address the problem of vagueness and the defense that has been added in the bill addresses the overbreadth issues.

Now, this is not a curfew bill but if one would parallel that, throughout this nation, we have had a few cases that have gone to court for curfew, one in Dallas and one in Middletown, they both withstood the constitutional test and that is where we have got some of our ideas through the definition and the defense.

As Mr. Hertzberg stated that we really have to thank Ashley from the Law Department for his fine work, but specifically Mr. Hertzberg.

Again, the School Board has failed, let's see if we could do a better job, I think we can. Deputy Mayor Sal Sirabella from the Administration has stated the Administration's support for this and I really want to thank Mayor Murphy because in the past when we have come up with these type of ideas, unfortunately they were always vetoed by the Masloff Administration, hopefully we have someone across the hall that believes in these types of maneuvers and believes in, sometimes you have to take an initial step and this is one that is being taken.

Thank you.

The Chair:

Thank you, Mr. Ricciardi. Mr. Ricciardi has graded the School Board with an "F", but however I do still think we need to send them to summer school, and that is, despite the passage of this bill, I think we still have a significant problem and that problem is caused by the actions of the School Board itself in many large numbers of daily suspensions.

I know the bill was attempting to be remedied with one of the reservations I had, and that is, what do you do with a young person who is technically and legally suspended by the school system allowed to be out on the street. I think Mr. Hertzberg's amended tries and attempts to deal with that issue, it does not get back to the basic problem and that is, the School Board and the school institution, of which it is one of the largest and most expensive public education systems in the country, we could probably educate our young people at CMU for as much as we are spending in the Pittsburgh Public School systems and the fact of the matter is they daily suspend a large number of individuals, they are not the caretaker of last resort, they let these individuals out on the street. They are, the very individuals, some percentage of them that I believe Mr. Ricciardi and Mr. Hertzberg's intended bill -- the intent of the bill is to try to address that problem.

So, even with passage of this bill, fundamentally we need to still continue to point the finger at the School Board and its policy of daily suspensions. They need to have some type of a facility, or as Mr. Onorato said, a separate room or facility within each one of the educational institutions, where they can detain and separate out those young people that are just not interested in getting an education, rather than just letting them out on street under legal suspension. That is still going to be a problem even with the passage of this bill.

So, I just want to applaud the initiative here. Again, this bill, like a lot of other bills regarding graffiti and illegal dumping and things of this sort, it is only as good as the enforcement, and my worse fear is that the bill is not going to be enforced. Despite the comments made by the Murphy Administration, they need to put their money where their mouth is in terms of the enforcement activities pursuant to the passage of this legislation. I think the jury is still out on this. I fear that, like a lot of communities that have passed these types of legislation, they look good on the books, they make it sound good for us and we go out in the community and have to defend our actions but they are not enforced and they really do not amount to anything. Hopefully the Administration will prove me wrong on this point, that remains to be seen.

Other comments? Mr. Hertzberg, Mr. Onorato.

Mr. Hertzberg:

Thank you, Mr. President. One other item with the substituted bill is the effective date. We have added a provision making it effective 60 days after the date of recording, or the final approval from the Mayor, which would give everyone an additional 60 days to put whatever procedures need to be put into effect in effect.

I would also ask my comments from last week's meeting to be brought forward.

(REMARKS -- SEE ADDENDUM)

The Chair:

Thank you very much.

Although it is not part of the bill, I would hope that maybe six months or so following the actual enforcement of the legislation, we can get a formal report from the Police Chief regarding the use of this ordinance and what its impact and affect has been and how we can best evaluate it.

Mr. Onorato.

Mr. Onorato:

Thank you, Mr. President. First of all, I would just like to say I am in support of the bill, I like the amendments. The bill that was substituted, I think it addresses some of the legitimate concerns that were brought up on Wednesday; however, I am in still full support of the concept, I think this is moving in the right direction for several reasons.

For example, the one argument we hear, and Council President, you and I both agree that there should be a separate site at the school to detain these kids. I am very frustrated over the years seeing how they handled this problem school, and I think a hot potato, football, kicking it around to the neighborhood that screams the least, and then when it settled on Ridge Avenue, if you try to be objective and say why you should not bring all the City kids there, a lot of the people in high places try to say that you don't want it in your backyard, and I always find it interesting the people that accuse the North Side of saying, not my backyard, are the ones that made sure it was 'not in their backyard. We have more of the social services problems on the North Side, and I think this bill, if it forces the School Board to react to make sure these kids are not being picked up and we open up these detention rooms or halls, whatever you want to call them, at each location, then you are really addressing the issue, because the problem kids are not only on the North Side or up on the Hill District where the Letsche School is, it is throughout the system and we should all bear the burden of dealing with these youth, we have schools in every neighborhood, we have high schools all throughout the City, this is a problem that should be dealt with City wide, and I think by using the school buildings you won't have this ridiculous debate where you pick a school, then you withdraw that name because of the opposition. You put it in the schools where they are located, and I do not think anyone on this body here could complain about that, because it is fair and to addressing the main problems City wide.

Some of the other criticisms from last Wednesday and also from some of the media throughout the week was the problem with, what do you do with the kids that are legally out of school or have an excuse to be out of school. Well, my response on Wednesday and it continues to be, it is the same issue as if you are dealing just with truant officers, they have to make the judgment call, too, when they go up to an individual of why this person is out of school. I do not think every truant officer or whoever the person might be that is overseeing the students will know each kid by just looking at them and say, oh, he's out of school; he should be out of school and he shouldn't, there has to be a way you have to question these individuals and find out, that is just the way the system works. I do not see that as a problem, I see if we use our police force, because we are talking about the same resources and the same residents that are being harassed, that the police can ask the same questions that a truant officer can ask.

The community service aspect was criticized. Once again, I hope that the Youth Offender Work Corp. that this body supported me with last year actually gets implemented by the Mayor, I do not see that as a problem or the wrong way to handle this. Once again, we are dealing with kids, a lot of kids that -- or even maybe a small percentage of the large number that are out

that are during destructive acts in our neighborhood, it is our responsibility to react.

I think this body gets criticized for some of the pieces of legislation that comes forward. There was a comment that we are only responding to a constituency that is outraged. Well, if I am not mistaken, I thought that was why we were elected, to respond to our constituency, and I can tell you I am responding to my constituency, and that is absolutely right, and I am also responding to what I see in my neighborhoods personally.

There are a lot of kids out here on these streets, they are causing havoc, and if anyone wants to criticize us for responding to that, I would like to see where they live and see if they have this problem.

I do not see this as any infringement on anyone's constitutional right or under civil liberties, I think this is a reasonable bill. I think it is something that we have to accept that there is a state law that mandates education to 17 or 18, depending on the circumstances, anyone under that age that are on the street, should have to prove why they are out there during certain hours. Other communities are doing nighttime curfews, you hear about them every other week, surrounding suburbs that are implementing curfews, if you want to call this a daytime curfew, or whatever the term you want to use, I just think it is another tool that we are giving the Police Department.

But I think the bottom line on all of this is this legislation will force the School Board to act. As I stated on Wednesday, we can no longer wait for the School Board, they are invisible, not many people k now who the members are, they do know who we are, and as it was testified on Wednesday, the 911 system, which is our system, the City, is what they use and what people call when there is a problem and I think this bill addresses that need, and I can only hope that this Administration enforces this bill a little better than the previous Administration enforced the Youth Offender Work Corp., because that is sitting on the books, it is not being utilized and it could go hand in hand with this bill, and I hope to work with Mr. Hertzberg to put the pressure on to see that both bills get implemented.

The Chair:

I would just like to further add that my comments be brought forward.

(REMARKS – SEE ADDENDUM)

The Chair:

And a couple other points on the issue of constitutionality. I think it is really going to come down to what the application of this legislation is, and that is why I am very concerned that we get a report in a few months following the passage and the effective date of enforcement of legislation and that is, what is the application of the bill. If only the stats come back and only Zone 5 has offenders and individuals tested under this ordinance, I think we are going to be in significant trouble.

So, again, I caution the Administration. I think the Law Department needs to do an orientation of work with the Police Bureau on the implementation and effective passage of this legislation and how it is going to be actually applied equitably throughout the City, regardless of who the young people are.

The two related problems that caused the introduction of this bill that continue to irk me regarding the School Board, and this is the School Board issuing the monthly bus passes, which I think are ridiculous, I think if they have the need for transportation they should in some way devise a system that has specific passes for those buses that the young people need to be on within certain time frames. Basically young people are given a monthly bus pass, they can ride out to the malls, they can ride out to other parts of the City and neighborhoods and business districts that they have no business to be.

So, I would ask as part of this discussion that the School Board please review that policy, and then fundamentally, I still think the basic problem is the lack of neighborhood based schools and the problem associated with major transportation, over 23 million dollars is spent by the School Board busing kids around the City to neighborhoods that are already integrated, I do not understand the logic of that, I think it is a fundamental, albeit, a controversial issue that needs to be reviewed by the School Board. We have many young people that are not familiar, have no

business being in particular areas away from school and I think if we had neighborhood based schools, where the parents and people in that community know and can identify the young people that should be in the neighborhood at different times of the day, we would go a long way in making our City a lot more livable.

It is just inaccurate when we keep saying that the wage tax was the major contributor to people not wanting to live in the City. I continue to argue that it is the perception, either real or in fact, of the condition of our public school system. I think it is the Number One reason why a lot of younger couples may stay in a neighborhood and have their young kids in a neighborhood school at the grade school level, only to move out when they reach the age of approaching 5th, 6th and 7th grade.

Sorry for pontificating but if we are going to get at the issue, let's really begin to talk about some of the problems that are hurting our City.

Mr. Cohen.

Mr. Cohen:

Mr. President, on that issue about the school passes. Deputy Mayor Sal Sirabella and the Chief of Police Earl Buford and I did meet with the School Superintendent, the Head of Transportation for the School District, and Mr. Stanley Rideout, the Head of Security on that very issue, because it really is a serious problem, especially -- the neighborhoods certainly, but especially here in town, and asked them to go back and find a way to solve this problem. It obviously comes down to money, as most of these problems do, and they have got to find the money to be able to get these kids back home rather than dropping them off in our neighborhoods and our central business districts.

So, I just wanted to let you know that a step has been taken and the School Board is supposed to get back to us on that.

The Chair:

Well, I appreciate your effort on that regard.

Mr. Onorato.

Mr. Onorato:

On that issue, Mr. President, and Mr. Cohen, I applaud Mr. Cohen's efforts and I hope you are successful.

A year and a half ago when I was chairing Public Safety, we tried to address it then, and what was frustrating, and this is only so everyone here can know, and hopefully Mr. Cohen can have better success with it, I thought it was interesting, the School Board's response at the time was that Port Authority only gave them the option for the full-time pass.

So, here we have the School Board, City and Port Authority, all supported by tax payer dollars and they won't do what the tax payers want. That is so frustrating.

Port Authority -- we should be able to tell Port Authority exactly what kind of bus passes we want for these kids, and yet they -- at least the excuse was that Port Authority would not give that option. To me that is unacceptable because they are funded through tax dollars and there should be a school pass that is for school hours.

And the issue came up, with extra-curricular activity at night, what do you do, well, I am sure it would be very easy to have a special pass for anyone that is on the football team or on the basketball team or drill team, whatever it might be. Those students could get a special pass to travel at night. It is not that difficult, it is not brain surgery, it is an excuse, and what the frustrating part is they are all public entities and they are not doing what the public wants, and I hope that they hear us loud and clear now and change the policy.

The Chair:

Thank you very much. Any other comments? Mr. O'Connor.

Mr. O'Connor:

Just to elaborate on what was just said. I think there are a lot of simple answers to a lot of complex problems here, and just like the buses, the bus passes, on Fifth Avenue and Wood there is an army of City Police Officers and school official officers because of the big problem down there. If

you do down there now there would be 12 policemen and women, I think, from like 2 to 4.

There are so many easy answers. If you have a pass and it is only good till 3 o'clock, the kid has to go home. Why should we give somebody a bus pass that is good on Saturday, Sunday and till midnight. Mr. Onorato just gave you an answer, if you are on a team or a special event it is marked, it is a different color.

So, the reason I am supporting this bill so much -- and we are criticized – I do not think this is intended to pick up every little kid walking to the library or walking to their part-time job at McDonald's, it is going to pick up the kids that are causing problems, no matter what neighborhood they are, whether it be Squirrel Hill, Homewood, East Liberty or South Side or North Side, the kids that are acting suspicious and acting out of line and bothering people, they are the ones that I think the police -- this is taking the handcuffs off the police, then saying, hey, you can now do your job a little -- be a little tougher on the individuals who need it.

But, I also want to spend one emphasis, we have been criticizing the schools and I think we do have a very good school system. I have a son in the 5th Grade, who does take a bus to East Hills, which is -- has its questionable times, as far as a community neighborhood that gets a lot of negative press, but I am very pleased with the school.

But, over the weekend I have been at a couple of meetings where people are leaving, are planning on leaving because of the school system and just what you said, the busing in and out of different neighborhoods, they want their kid to go to a local neighborhood, they can't.

So, there are a lot of problems that have to be addressed and solved, but I think Mr. Hertzberg has shown the initiative and the guts to start and this Council is backing him up.

I think we should send a message – just to send a message to the School Board that we are in partners with them, whether we like it or not, because our aim is to keep the City safe and people here. So, this is just the first step, and if they don't start taking more responsibility, then we have to, whether it be -- and this is only one law, I think it is the first one in my three years here, that we have directed toward the school students, but there are many more to come. I hope we can work together and get some of these problems solved, it is serious, our constituents are yelling out at us, they are calling out, when you go to neighborhood meetings most of the problems are around youth and schools.

So, I commend Mr. Hertzberg for bringing this to everyone's attention and I hope that the School Board, there are a lot of good things happening in our school system, react, as you say, why suspend a kid and put them on the street, why not just put them in a room somewhere, make them read, get them out of the mainstream and let the other 90 percent of the kids move on.

I think there are a lot of simple answers here but somehow they are stalling and I hope this gives them a good start and a good push, or a kick.

The Chair:

Could make them read the Post Gazette every day.

Any other comments?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Hertzberg	Mr. Ricciardi
Mr. O'Connor	Mr. Ferlo
	(Pres't)

AYES 6 NOES NONE

The bill having received the legally required number of votes passed finally.

MR. COHEN FOR MR. CUSICK PRESENTED

Bill No. 1014

Report of the Committee on Engineering and Construction for September 8, 1994, transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 793

A Resolution Adopting Official Sewage Facilities Plan for Envirotest Partners, Teledyne Industries, Plan subdivision, located on Idlewood Road 125' ± Northeast of Bell Street, in the 28th Ward of the City of Pittsburgh.

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Mr. Hertzberg.

Mr. Hertzberg:

Mr. President, this is approval for sewage planning modules in the 28th Ward, which is within Council District 2, in connection with the Envirotest facility for the testing of automobiles for compliance with the pollution regulations.

Since our meeting last week, I have received a written piece of information from Envirotest that satisfies the concerns that I had, and I will be voting in favor of this bill. And, I do not know that there is any relation between sewage approval and the other items that are going on there any ways.

The Chair:

Only if there needs to be, we can make a relationship.

Mr. Onorato.

Mr. Onorato:

It is sort of related to the bill. Is that particular place for the new inspections to be set for 1995?

The Chair:

Yes.

Mr. Onorato:

And that is going to be located in Pittsburgh or is the run off going to come through Pittsburgh? The actual facility is in Pittsburgh?

Mr. Hertzberg:

The facility is in the 28th Ward in the City of Pittsburgh on Idlewood Road, East Carnegie is the name of the community.

Mr. Onorato:

If I could just ask the Clerk -- I guess that it is sort of related -- if you could do a research and let us know how our local legislators and senators voted for this boondoggle to be implemented across the state, I would love to see who was against it or for it. Tank you.

Mr. Hertzberg:

Mr. President.

The Chair:

Just so it is clear, we had nothing to do with it. I just want the public to know that, since that has been brought up. I mean, in this particular community, the property is zoned for this use, it is a legal use there and we have nothing within our power that we can do to prevent this facility from being there, and it was the state that adopted the laws that are requiring this particular facility.

Mr. Onorato:

If I could just elaborate on Mr. Hertzberg.

He is doing what we have to do here. Legally we cannot do anything. But, I want to make it clear that this came from the state legislature and -- but, I can guarantee you right now, we are going to receive calls complaining about this facility, not because of where it is located, because people have to get their cars inspected in this new system, and I want to make it clear, we had nothing to do with this change. This came out of Harrisburg, and I would love to know

how our local representatives voted, so when they call my office I can tell them who to call and who voted in support of it, because I can tell you right now, I have received calls already.

The Chair:

This Council is not now or ever been associated with the passage of emissions testing centralized facilities. Don't call us, call your State Senator, call your State Legislator. We are for keeping local neighborhood businesses in place doing the emissions testing, which would have been too logical.

Mr. Ricciardi.

Mr. Ricciardi:

I realize in the turn of voting, that I vote towards the last, so I do not mean to surprise anyone, but I am voting "no" on this. So, count your votes carefully. I would like to see another "no".

The Chair:

Would you like to explain some rational, or --

Mr. Ricciardi:

Well, first of all, I do not believe in the idea, I do not believe in the concept, I do not even want to be part of the action, and by voting "yes" I would become part of the line, the chain. So, I am voting "no" and I do not want to surprise anyone with my vote. So, as a courtesy I am letting my colleagues know.

The Chair:

Any other discussion? Mr. Hertzberg, do you have a response?

Mr. Hertzberg:

Nothing I have not said already, that is, it is very difficult to relate the sewage approval to policy concerns.

Mr. Onorato:

Mr. Hertzberg --

The Chair:

Mr. Onorato.

Mr. Onorato:

-- last Wednesday's meeting, there wasn't any major opposition from the neighborhood group, correct, and since then there has not been any -- I have not received any calls yet?

Mr. Hertzberg:

Well, there is opposition from the neighborhood. We had a community meeting with Envirotest, someone from the Administration was there, I was there, and all the concerns were laid out, and I asked for something in writing from Envirotest confirming that they would deal with these concerns, and they have forwarded that to me.

Again, the property is zoned permitting the proposed use, so I -- Envirotest is in court with a number of different jurisdictions, on similar matters, where there is just no authority whatsoever to prevent them from doing what they are going to do. They are ultimately going to win the cases, and I would appreciate it if my colleagues on Council would indulge in voting for this if you do not want us to end up in that predicament where we are using our Solicitors, where we are being sued, we're winding up in court with that expense and a losing cause.

Unfortunately, we are stuck with this as a result of federal and then state action, and we really have no authority to do anything but approve this particular bill.

The Chair:

I think we need to expand it. I support the urgency of Mr. Ricciardi's late action on this bill. I think what is at stake here, unfortunately, is a significant issue involving millions and millions of federal funds that come to this state for badly needed bridge repair and road reconstruction. In the area of bridge repair, I would say, disproportionately, we as a municipality benefit from those funds, and it is clear at this point that those funds are directly -- or could be directly affected.

I think Mr. Ricciardi has raised a good point, though, and I think it is unclear, at least to me, where the effort is currently. I know there were a number of individuals, including State Legislators, who were trying to undo this action relative to the State of California, also undoing their actions for centralized emissions testing.

So, since the jury is out on it, I would like to still see what is happening, and I am going to vote "no" also.

Mr. Ricciardi.

Mr. Ricciardi:

Thank you. Just on that note. Concerning the threat or the fact that federal funds are tied into us accepting this entire concept of testing for environmental reasons, that is what I take as an insult, and that should not bring us to our knees, because we have a Congressman, Bill Coyne, with two Senators, that should stop any type of that action and make sure that we still receive those federal funds. I am putting my faith and efforts in those individuals to make sure that there is not a connection and there is not a tie and I am voting "no" today.

The Chair:

Well, let me just clarify, because I am not saying that we should not do testing. We need to do testing because we need to be concerned about the environment. The issue is whether or not this testing could not be done in thousands of dealerships and neighborhood based auto shops that had been doing the work in the past, albeit, they would need to capitalize for the equipment, not every one of them will be doing it. There was a logical system already in place. There was not the need for a lucrative sole contract being given out to this so called company.

So, I just wanted to clarify --

Mr. Ricciardi:

And, Mr. Ferlo, I find it very interesting that an individual that worked for the state now works for the company and he did some work on this matter with the state. So, I think this whole issue has been clouded.

The Chair:

I understand, I just wanted to clarify my point, not disputing the environment.

We are going to go to Mr. O'Connor and then Mr. Cohen.

Mr. O'Connor:

I think I agree with Mr. Ricciardi, but in case you are right, where we are going to be held hostage, for whatever reason, I would make a motion that we recommit, so that we know -- have a better understanding of what our alternatives are.

The Chair:

Is there a second on the recommittal?

MR. COHEN seconded the motion.

The Chair:

Discussion on the recommittal?

All in favor of the recommittal?

WHICH MOTION PREVAILED.

Mr. Cohen:

I am sorry.

The Chair:

Excuse me. Mr. Cohen. The bill is recommitted, but I will allow your comments.

Mr. Cohen:

Yes, on the recommittal, which I appreciate my colleague doing, which I was going to make a motion as well, can we have the relevant portions of the Federal and State Law before us by tomorrow, or at least at the very latest by the time we finally vote on this next Tuesday, so that we see exactly what the law is and then get the relevant people before the table tomorrow so that we can ask all the questions that have come up here?

The Chair:

And, also I think we need to know what effort if any is being made by others at other levels in the state to actually undo, similar to the way the State of California did. I think we need a full understanding.

I would ask that the Administration be prepared to assist us in ascertaining the answers to the questions that we are going to have, both on the legality, the Federal Law, what is happening at the state level, and I think there are any number of individuals from the Department of Transportation at the State and others that need to be invited for this discussion, if there is no objection.

Mr. Cohen.

Mr. Cohen:

Mr. President, on the same line of thought, perhaps we should invite Chuck Kolling, then, the City's lobbyist in Harrisburg, and also Mr. Dave Farley, who --

The Chair:

Fine. Could I ask that any colleague who thinks a particular individual should be invited pursuant to this discussion, could please notify the City Clerk so that we can invite those individuals.

We may want to hold it for a week tomorrow and try to get them to the following week.

Mr. Ricciardi, since you started all of this, anything else?

We have no other bills or Reports of Committees.

MOTIONS AND RESOLUTIONS

The Chair:

Mr. Hertzberg. This is on Small Games of Chance, non-binding resolution.

MR. HERTZBERG PRESENTS

No. 991 WHEREAS, "Pittsburgh Cares" is a non-profit corporation authorized by it's Articles of Incorporation and/or By-Laws to engage in civic or service purposes within the Commonwealth of Pennsylvania; and,

WHEREAS, "Pittsburgh Cares" maintains its principal place of business and conducts its principal activities in the City of Pittsburgh; and,

WHEREAS, "Pittsburgh Cares" desires to conduct raffles to generate funds to finance its operations and further purposes.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and the Council of the City of Pittsburgh hereby recognize and declare "Pittsburgh Cares" to be a Civic and/or Service organization within the context of the Pennsylvania Small Games of Chance Act, as amended.

Which was read.

The Chair:

Motion to approve. Mr. Hertzberg.

Mr. Hertzberg:

So moved.

MR. COHEN seconded the motion.

The Chair:

It has been moved and seconded. All in favor?

WHICH MOTION PREVAILED.

The Chair:

At the request of Mr. Cusick, I would like to schedule a post agenda for Monday, September 19th, immediately following the Mayor's Budget Briefing. This post agenda concerns the plight of the landslide victims on Pioneer Avenue in Brookline, and Mr. Cusick would like representatives from the Mayor's Office, Public Works, Engineering and the Law Department to attend. I know he is trying to dovetail an effort that Mr. Onorato already has underway in a similar landslide, albeit, with public park property, I believe. Is it Spring Hill -- or Troy Hill?

Mr. Onorato:

It is Troy Hill falling down into Spring Garden.

The Chair:

It is coming from Troy Hill and it is going to end up in Spring Garden.

So, please if you could take note at that post agenda for Monday, September 19th, regarding the Pioneer Avenue situation.

Mr. Hertzberg:

What time will that be, Mr. President?

The Chair:

That would be immediately following the Mayor's Budget Briefing, which I think is scheduled for 9 to 10, so maybe by 10, 10:30 -- 11 o'clock. Excuse me.

Mr. Cohen:

Yes, I think some are at 9, and some are at 10.

The Chair:

Yes, about 11 o'clock. Excuse me.

Any other concerns under Motions and Resolutions? If not, I do need a motion to excuse the absent members and to approve the Minutes.

Mr. Onorato:

So moved.

MR. COHEN seconded the motion.

The Chair:

Motion on both. All in favor?

WHICH MOTION PREVAILED.

The Chair:

Any other concerns or comments?

At this time I would entertain a motion to adjourn.

And on the motion of **MR. RICCIARDI**

Council adjourned.

(MESSRS. FERLO, HERTZBERG'S COMMENTS)
(BILL NO. 926 - Thursday, September 8, 1994)

Mr. Hertzberg:

Thank you, Mr. Chairman. At the public hearing yesterday I may have indicated a desire to slow this bill down. I have reconsidered; I would like to have a preliminary vote on it today.

This bill -- and we have talked about it quite a bit, but not necessarily right here at this table yet, so I will try to make some brief comments.

Some of the problems that this is trying to solve are where we have students congregating in public places at times of day when they are scheduled to be in school. They are truant. In the City of Pittsburgh, the figures from Pittsburgh Public Schools indicates the absence rate on the average in the city high schools is on any given day 21.9 percent. We have a situation with state law that I believe is inadequate to address the magnitude of the problem that we have now. We have a state law that has a provision to penalize the parents of chronically truant students. Very little is done to the students themselves.

What this bill intends to do is to get help from the Pittsburgh police in enforcing the truancy laws. The penalties include a community service element, and I believe the District Justices within the City of Pittsburgh have the resources to help administer that particular punishment; community service.

We held the public hearing yesterday. Ultimately the representatives of the School Board said they were in favor of this bill, they would like to be sure that there is enough time to make a number of facilities available and whatever else, whatever adjustments might need to be made.

Pittsburgh police similarly were in favor of this bill. Again, though, they would need some time to make some adjustments for implementation.

The American Civil Liberties union opposes this bill primarily on the grounds that it is vague and over-broad.

I would propose to have a preliminary vote today, but to begin working on amending this bill to try to secure all the different criticisms that have surfaced. I believe the amendments can be made within enough time to circulate it to all members of Council to review it before our final vote next Tuesday.

The amendments would include an effective date, an effective date 60 days from when it receives final approval. Amendments could include a time during the day when this bill would be applicable. I propose to

have a suspension policy that basically says, "You are suspended. You don't have to go to the Letsche School, the option school or the Ridge Avenue School," which can really only accommodate a couple hundred. So basically on any given day there are several hundred kids who are probably the targeted most problemsome young people in terms of problems at the home and lack of parental involvement and guidance. Unfortunately, the School Board itself is the main contributor to the problem. I think we got to return to them to try to get them to focus in on some of the problem exactly.

There are a number of school boards around the country in urban areas that don't suspend kids and then let them go foot loose and fancy free on the streets. They actually are detained and directed to a particular facility during the school hours. That is just one concern.

The other concern is I still, like my concern earlier on the curfew bills in the evening or notions of anti-drug loitering bill, I am still concerned about whether or not the bill would be administered equitably throughout the city as opposed to, maybe, a situation where we end up with a civil rights 1983 action, which I think would just waste a lot of time and people's energy.

Again, I think there is definitely a problem. The issue is who should best be addressing it. We continually let the State Legislature off the hook. There are two state laws involving juvenile truancy. If these laws are not effective, I think we need to begin to ask what are the additional legislation resources that the State Legislature can provide school districts to deal with the problem, especially in the urban areas.

I still also believe that we need to better coordinate the community oriented policing operation so that they can become part of the problem solver here as it relates to the daytime truancy if we have a targeted effort. Let's face it: There may be ten kids in any given neighborhood who are a problem. It is not 900 kids, it is a small number of kids who are the problem, whether it is Lawrenceville in my district or any of our neighborhoods. It is a small number of young people. If we have a coordinated response -- we are fortunate being in Pittsburgh, unlike Los Angeles, we have an identifiable, manageable problem that we can deal with. We know who these young people and we should be able to actually interact with them and deal with the problem firsthand.

So I just have some reservations legally about the wording of the bill right now based on the Solicitor's concerns and, more substantively, I am concerned that even if we pass some notion of a bill, it is really not

make it between the hours of 8:00 a.m. and 3:00 p.m. during the days and hours when students are required to be in school.

Mr. Onorato:

Is that an amendment Mr. Hertzberg?

Mr. Hertzberg:

No, I am just throwing those out. The official amendments I would make by the time of final vote, but I would circulate it to all members of Council in advance of that. I will be meeting with the Solicitor to talk about some of the particular problems the Solicitor's office brought up in a memorandum that has been circulated.

I look forward to hearing from any members of Council right now or at any point in time on this.

Mr. Ferlo:

I think Mr. Hertzberg, to his credit, has helped to awaken the true concerns and interests that people have regarding a significant problem, that is truancy and problems with young people during the day who should be in school. So I applaud him for that initiative and I hope it helps us focus in on the problem to try to get some real solutions.

I think at least in terms of a preliminary vote today I would have to abstain because I feel uncomfortable with the specific language of the bill, specifically along the lines that the City Solicitor has commented on; and that is, the likelihood that the bill, even if you argue that it can be upheld constitutionally, this particular bill -- I think rightfully so -- the Law Department has raised a number of concerns, which Mr. Hertzberg obviously has acknowledged to some extent also. So hopefully, that is part of the focus of his attention over the next week.

I guess my concern, however, is even if we pass this bill, I am still not convinced -- or some notion of the bill -- I am still not convinced that we are going to target the resources that we have and truly get to the problem. I guess what I would hearken on is going back to Mr. Ricciardi's concern yesterday is there be a collaborative meeting between the School Board and this Council to try to get the problem.

I think the burden should continue to rest on the school security operation to deal with the problem firsthand. The School Board itself is one of the major contributors to the problem because they continue to

a year from now going to get to the heart of the problem.

I do appreciate and applaud Mr. Hertzberg's initiative and I hope, regardless of what the outcome is, it does focus in on the problem.

(Deleted text.)

Mr. Ferlo:

I would like to ask a legal question if the Solicitor is available. I can ask our solicitor on Council, here; Mr. Hertzberg.

Mr. Hertzberg:

I don't want to be the Solicitor on my own bill.

Mr. Onorato:

There should be somebody up here. Can we ask one of the Solicitors to come up?

Mr. Ferlo:

I wanted to just ask the sponsor of the bill, say theoretically on any given day there are 500 young people who are actually suspended by the School Board and they are not officially delegated to go to Letsche, the option center or Ridge Avenue. If you are one of those 500 and you're legally not allowed to be in the school system, in a way it is double jeopardy; the person could technically be loitering, which in and of itself is not necessarily illegal. One of the continuing problems I have with all these bills, we keep talking, including the gentleman who spoke very eloquently from Sheraden yesterday --

Mr. Hertzberg:

Joe Wieczorek.

Mr. Ferlo:

-- Joe Wieczorek, who is very eloquent, he talked about problems where young people are committing vandalism, graffiti or harassing elderly people on the street. Those are all violations of existing city and state Code statutes that the police and/or anybody else should be dealing with.

The problem I have is putting a young person technically in double jeopardy and is that person then

open or is the city open to a significant lawsuit of illegal search and seizure, where somebody is detained, they are technically not supposed to be in the school district because the School Board suspended them.

I am saying there are a lot of legal things I think we need to look at. I am not raising the things as a smoke screen, Mr. Ricciardi; they are substantive concerns that I think we should deal with when we talk about the fairness of legislation that we pass and whether or not legislation is going to be effective.

Mr. Hertzberg:

First, the Solicitor's office, I tried very hard to get someone here. I don't know that they are going to be here, they have a couple of emergency matters.

Mr. Onorato:

Wait a second. Point of order here. If a Councilmember wants a Solicitor up here, there are enough lawyers down there, there should be one here. We meet one day a week on Wednesday. That is an unacceptable answer.

Mr. Hertzberg:

Someone that is familiar with it is who you want.

(Deleted text.)

Mr. Hertzberg:

Let me say this while we are getting whoever we are getting.

That could very well end up being something in the exception area where we have someone under suspension that may end up having absolutely nowhere else to be. We will take a look at this.

Mr. Ferlo:

Do we just pass a law for the sake of the law or do we have a coordinated impact strategy that deals with kids on the street that shouldn't be? This law may be one part of dealing with the problem, but I think we need a coordinated response. I think we need to reply on the Administration to give us leadership on this problem.

Mr. Hertzberg:

I agree with you. The amendment will include 60 days. I think that is plenty of time to coordinate.

The other thing I want to point out to everybody, with the current situation we have, if we table this, vote no or keep putting it off, what do these kids think? "They can't do anything to me. I can do whatever I want. The city isn't going to do anything, nobody. The schools don't do anything. I can do what I want."

(Deleted text.)

Mr. Sirabella:

I think the Administration's point of view is clear that we will -- we support this legislation and we will enforce it if you pass it. We also recognize, as Councilman Ferlo stated, that this is a part of the problem. There is a major problem of why a child does not go to school. This is a tool towards helping solve the problem.

So we support the legislation, we think that it is a tool for us to work in terms of the children on the street. We think it is something that will help the School Board in trying to resolve the larger problem as to why children don't go to school, and there are 3,000 kids a day that choose not to go to school.

So we support it and we will enforce it if you pass it.

Mr. Onorato:

Thank you. There were some legal questions, if anyone wants to ask the solicitors, they are here. Mr. Ferlo, I think you had some questions.

Mr. Ferlo:

I pass. Let the courts decide.

(Deleted text.)

Mr. Hertzberg:

Well, there are a few possibilities. They could just be issued a citation on the spot, taken back to school, taken to their home or taken to the nearest police station.

Mr. O'Connor:

Where would the magistrates come in?

Mr. Hertzberg:

That will be at a later stage. With a summary offense, you have the choice on whether to plead guilty and be sentenced or fight it and get a hearing, a summary trial before a District Justice, which could also be appealed to the Court of Common Pleas.

(Deleted text.)

Mr. Ferlo:

I want to clarify something. My comments earlier regarding the legality of the bill, I wasn't get into the issue of its constitutionality, I was only commenting that I hope if there is going to be positive, affirmative approval on this bill, that it be modified to address the legal flaws or possible flaws in the Solicitor's memo.

My comments are more directed at the policy and whether or not this will be an effective tool to deal with the problem that we all recognize. I still think there are a lot of contradictions. Even if we pass this bill, I still hearken on my earlier comments about the actions of the School Board being a major contributor. It is going to end up being a placebo, I think, this bill, and not an effective tool; it will be something we can say we passed, but I think a year from now, I don't know that we will make much progress. I would rather see us launch an advocacy effort and keep the pressure on the School Board and the police to deal with the problem in a coordinated fashion.

(Deleted text.)

Mr. Ferlo:

How do we deal legally with the issue if, on any given day, there are several hundred young people who are supposed to be in school but they are officially suspended by the School Board and, at the same time, they are not necessarily ordered or directed to go to the three alternative schools, be it Letsche, the option center or Ridge Avenue center. So technically, at least by School Board policy, they could be out on the street, but under this legislation, their mere presence on the street is technically a violation. Now, if they are stopped by the police, what would be the legal impact

regarding the issue?

(Deleted text.)

Mr. Ferlo:

It goes to my point who should be enforcing the issue, who should be the most effective interaction with these young people. I still argue it should be the school security because they know, these are identifiable kids they can identify. Why does the School Board have to spend $22 million busing kids all around the dam city, which has had no negligible impact on the issue of education, instead of spending the money on security and dealing with the schools? Maybe it is time for the School Board to re-evaluate what their priorities are in terms of how they are protecting young people in the schools.

The other motion I have, it is somewhat a cynical notion. If I had a young person in school and they are sincere about wanting to get a decent education and there are others that aren't, then be gone with them. We are not going to win every kid out there, unfortunately, and I think we ought to face that. There are some kids that as far as I am concerned, they are better off not in the school system, they are ruining it for other kid that want to get an education. They have some of those kids we just have to write-off. They are going to go through life and maybe when they are 18, 19 or 25 they are going to realize they are not going to go anywhere and they will try to readjust themselves. I am not of this mind that necessarily because we win the battle of having every kid in school that somehow that means they will be not disruptive. In fact, I think we are going to create a captured audience and some of these kids are going to create more problems for good kids that want to get an actual education.

(Deleted text.)

Mr. Ferlo:

That is my point exactly. I am saying we are letting the School Board off the hook. My fear is, in all due respect to Mr. Hertzberg, that we may pass the bill, the whole debate and focus leaves Council's table and a year later we will all be sitting and we will recognize that we haven't really made any progress.

I still go back to my central theme that if the School Board has to be the caretaker of last resort, then it is their responsibility to do that. If everybody is not directed to go to the options program,

Ridge or Letsche, then they should be directed to go to some facility where there is security or instructional folks that are watching them so they are just not out on the given street.

(Deleted text.)

Mr. Ferlo:

I would like to ask the Law Department in addition to any amendments of the bill, independent of the actual legislation, is there any legal action or strategy that we could deploy as a municipality aimed specifically at the School Board specifically on this issue of them being the caretaker or baby sitter of last resort during the day? Meaning that their policy whereby they suspend somebody without directing them to some supervised facility or some supervised activity only for them to be out in the street, is there a way for us to direct some legal action at that problem? To me that is really the core of the problem here.

We should force the School Board, you know, to deal with the problem. And just because we pass this, maybe it is an indirect way, hopefully, to deal with the problem. But is there a way legally that we can take some action against the School Board challenging their policy on this issue of suspension, where they suspend somebody and they are just allowed to be out on the street, as opposed to suspending them and they are detained or directed to a specific facility, on the issue of police powers, health, welfare problems and public safety concerns?

Mr. Specter:

You have to bear with me, I have a terrible cold. But that is complex question when you use terms like "force the School Board to do something," because under the State School Code, it really is the body with the primary responsibility.

Mr. Ferlo:

That is my very point, though. How are they achieving their mandate under state law if they suspend a youth only for that youth to be out on the municipal streets? That is the essence of the legal action I am suggesting.

Mr. Specter:

In fact, your earlier question triggered in my mind

that perhaps under this bill it may well be that the suspended student is on the street appropriately and that we couldn't prosecute him under this bill.

So we spoke very briefly to Councilman Hertzberg this morning and indicated that we see some technical problems that we would like to address and try to work with him on.

Mr. Ferlo:

I am asking for a response independently of the suggested amendments. Would you review that issue?

Mr. Specter:

We would have to take look at that issue, because that is difficult question.

(Deleted text.)

Mr. Hertzberg:

Just relative to the Solicitor's opinion, I don't want to put words in anyone's mouth, but as I understand it, this bill can be made constitutional with some technical changes without gutting it of the intention of this Council, as I think you have heard today. Am I right or wrong here?

Mr. Schannauer:

Well, yes, that is what we are planning to work with you on.

(End of remarks.)
Transcribed by: Helen L. Kriebel
Stenotype Reporter

MUNICIPAL RECORD

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Municipal Record

ONE-HUNDRED TWENTY-EIGHTH COUNCIL

JIM FERLO.....President
LINDA M. JOHNSON-WASLER.....City Clerk
KURT J. SALAC.....Asst. City Clerk

Pittsburgh, PA
Tuesday, September 20, 1994

PRESENT:

Mr. Cohen	**Mr. Onorato**
Mr. Cusick	**Mr. Ricciardi**
Mr. Hertzberg	**Mr. Smith**
Mr. O'Connor	**Mr. Ferlo (Pres't)**

The Chair:

Good morning. City Council's Legislative Session will now come order.

Would you all please rise for the Pledge of Allegiance and would you please remain standing for a moment of silent prayer so that we may have peace throughout the world.

We are very honored and pleased this morning to have a young man, to my left here, his name is Robert Jacobs, he and his mom are here, from Carrick; he's 10 years old; he's a Fifth Grader at Quinton Roosevelt, good old name, Roosevelt, School. And, his mom is here, Cathy Jacobs. And, Robert is going to lead us in the Pledge of Allegiance. Robert.

ROBERT JACOBS:

I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with Liberty and Justice for all.

The Chair:

Thank you. Robert, the City Clerk would like to give you a flag of our country and the flag of our great City, and we appreciate you and your mom for coming down here today, and I believe the Jacobs are from Councilman Ricciardi's District.

PRESENTATIONS

The Chair:

We have a lot of honored guests here in the audience this morning. At this time I would like to call on Councilman Cohen, who has a proclamation.

Mr. Cohen:

This is to be read into the record, Mr. President.

The Chair:

To be read into the record. Co-sponsored by El Presidente.

MR. COHEN PRESENTS

No. 1015 WHEREAS, Joseph Wehrheim has been operating Wehrheim's Flower Shop on Liberty Avenue since 1950 when he e first took over store operations from his father; and

WHEREAS, Joseph Wehrheim was one of the charter members of the Bloomfield Business

Association, of which he has served as a member, director and historian; and

WHEREAS, Joseph Wehrheim served his country bravely in the United States Army during World War II from 1943-46; and

WHEREAS, Joseph Wehrheim has served as a lifetime member of St. Joseph's Church, the Bloomfield Liedertafel Singing Society, the Evergreen Players and the Jene Mager, Veterans of Foreign War Post No. 278; and

WHEREAS, Joseph Wehrheim is the proud owner of Shag, the celebrity dog and mascot of the Bloomfield neighborhood.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh commends Joseph Wehrheim for his lasting contribution to the Bloomfield community and the City of Pittsburgh; and

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh declares Tuesday, September 20, 1994, to be Joseph Wehrheim Day in the City of Pittsburgh.

SPONSORED BY COUNCILMAN DAN COHEN AND JIM FERLO

MR. COHEN moved to adopt the resolution.

MR. ONORATO seconded the motion.

Which motion prevailed.

The Chair:

Thank you very much. He is a great business owner and a great person from the Bloomfield community.

At this time I am pleased to call on Councilman Hertzberg.

Mr. Hertzberg:

Mr. President, I do not believe Mr. Leonard Duncan is in the Chamber here.

The Chair:

He is not in the Chambers. Would you like to have it Read and Adopted, or would you like to hold it?

Mr. Hertzberg:

It is Read and Adopted.

The Chair:

City Clerk, please, read the Read and Adopted.

MR. HERTZBERG PRESENTS

No. 1016 WHEREAS, Leonard Duncan has diligently served the City of Pittsburgh and its citizens for thirty-three years in the City Parks Department; and,

WHEREAS, during Leonard's career with the City, he served as an architect for the annual Great Race. Leonard was instrumental in promoting the race's growth and popularity; during its first year there were 800 participants and within seven years, over 10,000 runners were participating; and,

WHEREAS, Leonard Duncan was associated with each of Pittsburgh's marathons from 1985 through 1990, serving as main liaison between City government and the former Pittsburgh Marathon, Inc., and in October of 1990, Leonard was appointed Director/President of the Pittsburgh Marathon, giving him full responsibility for the event's overall coordination; and,

WHEREAS, Leonard Duncan has been active with many committees, community groups and golf links throughout his lengthy tenure, and his dedication and leadership have earned him many awards and honors; and,

WHEREAS, Leonard Duncan has exhibited a true concern for all Pittsburghers and his efforts have earned him the respect of his fellow colleagues, community constituents and residents throughout this City.

NOW, THEREFORE, BE IT RESOLVED, that the Council and the City of Pittsburgh gives recognition to Leonard Duncan

for his dedication to the City of Pittsburgh and extends best wishes for continued success.

MR. HERTZBERG moved to adopt the resolution.

MR. SMITH seconded the motion.

Which motion prevailed.

The Chair:

Congratulations to Mr. Duncan.

Councilman Cusick.

Mr. Cusick:

Thank you, Mr. Ferlo.

Would Mary Winters come on up here.

MR. CUSICK PRESENTS

No. 1017 WHEREAS, Mom's House was first founded in Johnstown, PA in 1983, with their locations in Pittsburgh opening in August of 1984; and.

WHEREAS, Mom's House is a non-profit comprehensive support center for single low income student parents, whose primary purpose is free child care for infants and toddlers of young students enabling them to return to complete high school , college or other educational opportunities; and.

WHEREAS, in addition to child care, Mom's House also offers free services, such as informal classes in parenting and related subject counseling and tutoring, help with job placement upon graduation and assistance with practical needs, such as food, clothing, nursery, furniture, providing these valuable services at its Brookline and Swissvale houses; and,

WHEREAS, inasmuch as 1,500 children are born in Allegheny County annually to unwed mothers, we are forced to withdraw from schools along with responsible fathers. Mom's House brightens the outlook on what normally would be a dim future for thousands of student parents and their children in Pittsburgh over the past ten years.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh hereby commends the staff, the volunteers and the supporters of Mom's House, Incorporated of Pittsburgh for ten years of unique and valuable services provided to single low income student parents who have availed themselves of the comprehensive program offered by Mom's House and who have completed their education, secured employment and have broken the Welfare cycle.

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh hereby declares September 21, 1994 as Mom's House Day in the City of Pittsburgh.

MR. CUSICK moved to adopt the resolution.

MR. COHEN seconded the motion.

Which motion prevailed.

The Chair:

Thank you.

Mr. Cusick:

I have with me today Mary Winters, which is the Director of the Mom's House up in the Brookline area, and I would just like to ask Mary to say a few words here.

Ms. Winters:

It is just such a pleasure to be here today, not only to receive the proclamation and know that tomorrow is Mom's House Day in Pittsburgh, but also to personally thank the Members of City Council for ten years of very valuable funding. Beginning right in 1984 you helped us to buy our first Brookline house, you helped us to renovate the house in Brookline, you have supplied money for administrative costs and child care expenses, and we simply could not have done what we have done without the help of generous people like you.

So, thank you very, very much from the moms and the babies, the staffs and the volunteers.

The Chair:

Thank you.

Mr. Cusick:

We also have with us today, the Director of Development, is Kathy Klocek.

Ms. Klocek:

I have the unique responsibility of raising funds to keep the agency going, and I can say City Council has certainly played an important part in helping Mom's House to not only get started but also to grow and to thrive, and I would like to thank the Council today for their part in helping Mom's House in the past ten years. Thank you.

The Chair:

Thank you very much.

Mr. Cusick:

I want to thank my colleagues for supporting this. I think that you all know the valuable asset that Mom's House is to the City of Pittsburgh, but like I said in the proclamation, this is their anniversary, their 10th anniversary, and on September 21st, at about 7:30 at the Hyatt Hotel they will hold a dinner, I hope that the public is watching, that they will be able to attend. The cost is $75.00 and it is money well spent. Thank you very much.

The Chair:

Thank you very much. Congratulations.

Councilman O'Connor.

MR. O'CONNOR:

I hope everyone supports Mom's House. I was there and you really do a great job in the facility, and you know what impressed me the most is how well it fits into the neighborhood up there.

Would the people from Adult Day Care please come up.

We have Jed Johnson, Jim O'Toole, Terry Goldring, Mary Catherine O'Donnell, Dominic Pronio, and who else am I missing -- Sandy Weimerskirch.

MR. O'CONNOR PRESENTS

No. 1018 WHEREAS, there are over 3,000 adult day care centers nationwide, serving the needs of all adults, both the young and old. Adult day care centers provide a safe and positive environment for partially disabled individuals and, give their families the support and assistance in providing quality long term care; and,

WHEREAS, there are over 30 licensed adult day care centers in the Greater Pittsburgh area who provide care for hundreds of City of Pittsburgh residents and their often overburdened caregivers; and,

WHEREAS, adult day care centers provide necessary health maintenance functions and medical care, including medication monitoring, therapies, and health education, and are operated by professional staff who identify the need for additional health services and make appropriate referrals; and,

WHEREAS, these centers offer relief to families who would otherwise be forced to care for elderly persons with disabilities on a twenty-four hour per day basis and, these centers contribute to the overall quality of life for the affected families which is, in turn, of great benefit to the City.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby commend adult day care providers for their efforts and, extends its deep appreciation to all of those individuals, institutions and agencies which make adult day care programs possible.

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh does hereby proclaim September 18 through September 24 as National Adult Day Care Center in the City of Pittsburgh.

MR. O'CONNOR moved to adopt the resolution.

MR. SMITH seconded the motion.

Which motion prevailed.

Mr. O'Connor:

And, we have Jed Johnson, Executive Director of Council Care at Riverview. And, I know on a firsthand basis, my Uncle Buddy goes there every day, and it was a big decision on our family to send him, it was tough on my Aunt and all our family, and they really do an excellent job, and until you see how well he responded and fit right in and -- I hope he fits in, I know he has a lot of energy and personality. I hope he is watching now.

So, I really want to, for our family and all of the people, the residents in the area of Pittsburgh, want to thank you for all you have done for us and the many workers you have all over, thank all of you for the work you do.

Do you want to come up and accept this award and say a few words.

Mr. Johnson:

Thanks. Good morning. I am Jed Johnson; I am the Executive Director of Council Care. I also have the privilege of being the Western Regional Representative for the Pennsylvania Adult Day Care Association, and I just want to say thank you for recognizing adult day care week, both throughout the nation as well as here in the City of Pittsburgh. Adult Day Care is a cost effective, high quality service that allows older adults to remain at home, which is really truly where they want to be.

On this Thursday, the 22nd, there are over 30 Adult Day Care Centers in the Greater Pittsburgh Area who are going to be holding open houses. So, I encourage you all to call 355-5940, which is the Allegheny County Department of Aging Senior Line Number, to find out about an open house in an Adult Day Care in your neighborhood.

There are two other people I would like to speak today, first is James O'Toole, who is a caregiver for someone at Council Care. Mr. O'Toole.

Mr. O'Toole:

Good morning. Thank you for inviting us down here at City Council. Three years ago we had placed my mother-in-law, Mrs. Emma Caschiato, in Council Care No. l. I would like to say, one great feature that I have seen that the people at Council Care provide is compassion. In this hard world that we live today there is not too much compassion. Not only that, they perform a great corporal work of mercy, taking care of the sick. They are like Nanna in the Desert.

I commend them very tremendously for their patience and their caring. Thank you.

The Chair:

Thank you, sir.

Mr. Johnson:

And then I would also like to introduce Mr. Dominic Pronio, who is a participate at CYA Stephen Foster Adult Day Care. Mr. Pronio.

Mr. Pronio:

Well, thanks. My name is Dominic Pronio and I am from the CYA Council in Lawrenceville. I believe they have one of the greatest programs going.

I was advised by my doctor to try to get into a Day Care Center, and that was the best thing I ever done in my life, never met people as good. When I went in there there must have been about 20 people getting care themselves, but a week after I was in there, you would never know they were getting treatment or so was I, we were getting it but we had improved that much that we could move around.

And, that is all I got to say.

The Chair:

Thank you, Mr. Pronio.

Mr. O'Connor:

Thank you very much. Does anybody else want to speak? No.

Jim is a retired Pittsburgh Firefighter.

The Chair:

Thank you all and good work.

Councilman Onorato.

Mr. Onorato:

Mr. President, I have two, one will be read into the record, but I will read the first one here.

If Eric Kane can come forward. And, as he is walking forward, Mr. President and colleagues, this is just another example of the celebration of our great ethnic makeup of this City.

MR. ONORATO PRESENTS

No. 1019 WHEREAS, on June 4, 1994, Holy Emmanuel Evangelical Lutheran Church, located at James and Suismon Streets in the North Side, celebrated its 90th anniversary; and

WHEREAS, Holy Emmanuel Evangelical Lutheran Church is affiliated with the Slovak Zion Synod of the Evangelical Lutheran Church in America; and

WHEREAS, the Reverend Theodore Balent became the first pastor of the Church on December 3, 1905; and

WHEREAS, today, Holy Emmanuel Evangelical Lutheran Church is the only Slovak Lutheran Church in Pittsburgh; and

WHEREAS, the congregation of Holy Emmanuel Lutheran Church is very proud of its heritage and continues to hold services using the Slovak liturgy; and

WHEREAS, the Holy Emmanuel Lutheran Church also assists the Church within the Slovak Republic and has a "sister-church" relationship with the Lutheran congregation in Pribylina; and

WHEREAS, the Holy Emmanuel Lutheran Church helps to support Dr. Paul Hinlicky, a missionary; and

WHEREAS, the current pastor, Paul J. Kane, spent July, 1993, teaching English at the University in Nitra;

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh congratulates the parish of Holy Emmanuel Evangelical Lutheran Church on its 90th anniversary and commends all those involved in the success and longevity of the parish.

MR. ONORATO moved to adopt the resolution.

MR. COHEN seconded the motion.

Which motion prevailed.

Mr. Onorato:

One thing I would just like to say is that a lot of times in this Council we have proclamations that make reference to some sort of a religious affiliation, but it is usually in concert with the ethnic background, and I think if you read this proclamation and look at the other proclamations that are here, one thing you would know is that the ethnic communities not only rally around their religious buildings and their religious beliefs but they also give something back to the community, and this particular church has been a great neighbor on the North Side for so long, and we want to thank you.

The Chair:

I would like to say, Congratulations.

Mr. Kane:

I would like to thank everyone from the City Council, and I know the other members of the Church Council and the other members of our congregation are very proud to still be here after 90 years, and now that the iron curtain has fallen in Eastern Europe and Slovakia is now an independent country, I know we have a lot more work ahead of us, it is no longer the North Side but an entire country that has had no religion for so long, now needs all of our help, whether it is Slovakia, the Czech Republic, Hungary, and so on. And, I know that those members who chartered our congregation in 1904 would say that the world today is much better than it had been when they came over and the fact that we are still working, and what they had hoped to set up will be dobre, or "very good". And, thank you very much.

The Chair:

Thank you. Mr. Onorato has one to be read into the record.

MR. ONORATO PRESENTS

No. 1020 WHEREAS, on Saturday, September 24, 1994, the annual Woods Run Reunion will be held at the Riverview Park Activities Building; and

WHEREAS, the "Woods Run" section of the City encompassed the current Duquesne Light Company facility on Beaver Avenue, (which was formerly Preble Avenue) adjacent to the correctional facility, which runs to the Pennsylvania Railroad tracks, then horizontal to Westhall Street (the Roberta Lang Pool area) and vertically to the Ohio River Bank; and

WHEREAS, the populace of "woods Run" was a mixture of ethnic groups and races; and

WHEREAS, due to geographics "Woods Run" at one time existed as an isolated community, separated on one side by the former American Standard Company, Pittsburgh Screw and Bolt Company, and the former Braun Baking Company Plant, and the Pennsylvania Railroad trestle and the Eckert Street Bridge on the other side. The neighborhood had its own bank, gas station, hardware store, bakeries, grocery, confectionery stores, meat markets, restaurants, drug stores, churches, shoe repair, tailors, floral shops, poultry store, funeral parlor, barber shops, shoe store, coal and ice facility, a 5 & 10, social clubs, watering holes and a fire house; and

WHEREAS, "Woods Run" was referred to as a city within a city; and

WHEREAS, the hub of the community was "The Woods Run Settlement". Additionally, the "Tattler" newspaper was published by the members and staff of the center; and

WHEREAS, the golden rule of thumb for the community children at this time was "to be home when the streetlights went on"; and

WHEREAS, the individuals who remember "Woods Run" remember a well knit community where everyone knew each other and looked out for their neighbors.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh declares Saturday, September 24, 1994 as "Woods Run Alumnus Day" in the City of Pittsburgh.

MR. ONORATO moved to adopt the resolution.

MR. CUSICK seconded the motion.

Which motion prevailed.

The Chair:

Councilman Smith.

Mr. Smith:

If Goodwill and Mercy Hospital will come forward.

I think what we show in giving the proclamations is the ability to work together, to create between different organizations a working relationship to which everyone benefits.

Let me read the resolution.

MR. SMITH PRESENTS

No. 1021 WHEREAS, Goodwill Industries believes that literacy is a human right, for it is an integral element in achieving economic opportunity, social justice and human dignity, and

WHEREAS, in 1986 the Pittsburgh Literacy Initiative (PLI) was founded under the leadership of Judith Aaronson with a grant from City Council, as an assessment and referral agency for adults with unmet educational needs. In July, 1993 Pittsburgh Literacy Initiative officially became Goodwill Literacy Initiative (GLI); and

WHEREAS, the major emphasis of GLI is to serve the educational needs of the City of Pittsburgh and the surrounding communities. GLI has worked collaboratively with Mercy Hospital for more than three years to tutor train the volunteers that enable GLI to create a personalized learning environment for students. Besides donating space, supplies, and free parking for the

tutor training, Pittsburgh Mercy Health System CEO Sister Joanne Marie Andiorio has encouraged administrative staff members Ed Barr, Carol Lennon, and Don Lodge to bring their expertise to GLI's tutor trainings as tutor trainers; and

WHEREAS, during a three year period Mercy Hospital tutor trainers have trained 135 volunteers, through which Goodwill has extended services to more than 286 students from all parts of the City, the majority are between the ages of 20 and 39 years. Eighty-three percent (83%) are unemployed with fifty-eight percent (58%) receiving public assistance; and

WHEREAS, during a three year period Mercy Hospital tutor trainers have trained 135 volunteers, through which Goodwill has extended services to more than 286 students from all parts of the City, the majority are between the ages of 20 and 39 years. Eighty-three percent (83%) are unemployed with fifty-eight percent (58%) receiving public assistance;

WHEREAS, because of the vision, support, and dedication of Mr. Robert S. Foltz, President of Goodwill, the collaborative efforts of the aforementioned institutions, and the zeal of the tutors of Goodwill Literacy Initiative over one-half of these students have significantly increased their reading and math levels; and

WHEREAS, with the above statistics, it is without reservation during this month of September, 1994 which is declared as National Literacy Month, that the volunteers of the Goodwill Literacy Initiative share equally in the success of the students who participate in this excellent program, for each volunteer has encouraged and taught individuals to strive to realize their educational potential.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh declares Tuesday, September 20, 1994 as Goodwill Industries and Pittsburgh Mercy Health System Literacy Advocate Day in the City of Pittsburgh as an expression of Council's appreciation for this excellent program which benefits the citizens of Pittsburgh.

MR. SMITH moved to adopt the resolution.

MR. COHEN seconded the motion.

Which motion prevailed.

Mr. Smith:

Congratulations.

Mr. O'Brian:

On behalf of Goodwill Industries of Pittsburgh and Judith Aaronson, I do want to say "thank you" to the Council. We heard articulated all the many pieces that go into helping someone overcome a lack in reading or mathabilities to enter a training program, and, as was also stated, our partnership and our working effort with Mercy Hospital for providing the space. We thank you, and without that foundational financial grant and your continual support, all of these things would not be happening to assist these people into, eventually, the competitive work force. Again, we thank you all.

The Chair:

Thank you and congratulations.

Mr. Smith:

Carol Lennon is representing Mercy.

Ms. Lennon:

Hi, I am Community Relations Manager for Pittsburgh Mercy Health System, and on behalf of Sister Joanne Marie Andiorio, we are very honored to accept this acknowledgment from City Council and also to acknowledge the support and the cooperation that we have received from Goodwill Literacy Initiative over these last several years.

It has really been an honor to be part of an agency that is really dedicated to eradicating illiteracy in the City of Pittsburgh and Allegheny County, and we thank you for this opportunity.

The Chair:

Thank you.

Mr. Smith:

A young lady who started this, who actually came out of Pittsburgh City Council as a

staff member here. Judy, would you like to say a couple of words.

Ms. Aaronson:

I want to thank Councilman Smith for having us here today, and just to say that it has been a very important part of my life, since 1986, to be associated with City Council and to have the support to enable us to continue to do our work, which we think truly benefits the residents of the City of Pittsburgh and the economic well being of this area. Thank you.

The Chair:

Thank you, Judith. Thank you all.

The Chair would like to present two resolutions, and the first one is being co-sponsored by my colleague Mr. Smith.

I would like to ask Mrs. Peggy Pierce Freeman and the honored guests to come forward, please.

Thank you for your patience today, and my friends from Lawrenceville, also.

We have Mrs. Peggy Pierce Freeman here today, Mrs. Casson Beckom, the coordinators of the event, coming up, and we have some other honored guests and we will introduce them, but at this time I would like to read the following resolution:

THE CHAIR PRESENTS

No. 1022 WHEREAS, Madame Mary Caldwell Dawson founded the Caldwell Dawson School of Music located at 7101 Apple Street, in the Homewood area of the City of Pittsburgh; and

WHEREAS, In 1941, at the Caldwell Damson School of Music, Madame Caldwell Dawson conceived and created the National Negro Opera Company, Inc.; and

WHEREAS, The idea for the National Negro Opera company was motivated by the desire to create a sense of inspiration and incentive for young artists while making an invaluable contribution to the business and cultural life of the surrounding community; and

WHEREAS, The National Negro Opera Company was founded as an inter-racial organization encouraging participation from Pittsburgh, New York Philharmonic and the Chicago Symphony Orchestra; and

WHEREAS, Through the leadership of Madame Mary Caldwell Dawson, the Opera Company staged performances in Pittsburgh, at the Syria Mosque; Chicago, at the Civic Opera House and Coliseum; New York's Metropolitan Opera House, Madison Square Garden, and Carnegie Hall; and

WHEREAS, Madame Dawson in 1950 founded the National Negro Opera Foundation which was dedicated to further perpetuate the efforts of the National Negro Opera Company; and

WHEREAS, The Pennsylvania Historical and Museum Commission has approved an historical marker honoring the founding of the National Negro Opera Company by Madame Mary Caldwell Dawson; and

WHEREAS, The National Negro Opera Company Historical Marker will be installed on the site of the old Caldwell Dawson School of Music, which is located at 7101 Apple Street in Pittsburgh on Sunday, September 25, 1994 at 3:00 p.m.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Pittsburgh that Sunday, September 25, 1994 be declared "Madame Mary Caldwell Dawson Day and the National Negro Opera Company Day" in the City of Pittsburgh.

SPONSORED BY COUNCILMAN JIM FERLO AND COUNCILMAN CHRISTOPHER A. SMITH

MR. COHEN moved to adopt the resolution.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

The Chair:

My colleague Mr. Smith would like to say a few words first, and then I am going to turn it to Mrs. Freeman.

This is an exciting event, not only for the Homewood community, but more importantly, for our whole region.

A few weeks ago this Council was very excited in joining with the Highland Park community on a similar historic marker for the life and the great contributions of Jazz singer Billy Eckstine. Here we have a similar dedication, albeit, a different type of music. But, I think, and others here can more articulately and eloquently speak about the contributions and the historical significance of the Negro Opera Company here in Pittsburgh and around the country, but it is going to be a very exciting event. And, these fine ladies from the Homewood-East Liberty community are busy putting this event together. And, we want to extend a warm invitation to the neighbors and the residents and friends throughout the City to join us at this event.

I would like to have Mr. Smith say a few words, please, and then I would like to turn it to Mrs. Freeman to say a few words, and she can introduce her guests that are here today. Thank you.

And, we also have an honored guest, a relative, and we will speak about that shortly.

Mr. Smith:

I just want to say, thank you for the years of dedication, what you prove is that class and culture know no limits or lines, and it is wonderful that the things that you loved, you brought such a wonderful, warm appreciation to the community, and I wish you many, many more years of continued work and enjoyment in the field of music.

Mrs. Pierce-Freeman:

Thank you.

The Chair:

Thank you, Councilman.

I would like to at this time introduce a coupe of the coordinators we have. We are very honored here to have Mrs. Peggy Pierce Freeman, who is one of the coordinators, and I would like to have her introduce her guests. But, we are also very pleased to have here Mrs. Barbara Edwards Lee, she is the niece of Madame Dawson, and we are very honored and pleased to have her here and we would like to hear from her also.

Please, Mrs. Freeman.

Mrs. Pierce-Freeman:

Thank you very much, President Ferlo and Members of Council. We are very honored to be able to be here today to honor such a person as Madame Mary Caldwell Dawson. Personally I have a very fond affection for her, in that I was one of her prize students and I do cherish to say that, and we have kept her name alive.

You know, we can do all types of music, and Jazz is also a part of our classics, but we can also do the Opera, and she presented an inspirational passage during Aida, which was staged in Africa, written by Giuseppe Verdi, and many other Operas.

We are trying very hard to instill in all of our young people the focus of a pioneer in the presence of Madame Mary Caldwell Dawson, and we are very, very happy that you have given us this opportunity to expose her past and her ingenuity and her being an impresario, in this great City of Pittsburgh, Pennsylvania. Thank you very much.

I would like also to present to you her niece, Mrs. Barbara Edwards Lee, who was her confidant, her secretary, and we just love her dearly, and she is going through quite a challenge this week, and I must say this, that her last aunt passed away and she is still standing here with us this morning. Mrs. Lee.

Mrs. Edwards-Lee:

Good morning. I want to thank the Council for doing the proclamation for Aunt Mary. I am a Pittsburgher, I have lived here, I have graduated from school here, I am very happy to have traveled throughout the country with my aunt producing Operas.

The National Negro Opera Company -- my aunt was a graduate of the New England Conservatory of Music in 1925, and being a black woman with a talent, she herself saw the doors close for her. So, when she started doing her

school, she saw the talent throughout the country. And, this is how the National Negro Opera Company was founded. We did productions all over the country and Pittsburgh was always her home, she thought of it, loved it and wherever she was she said her best students came from the City of Pittsburgh.

Thank you very much for the opportunity to have the proclamation today. My aunt that just passed on Saturday did the High Priestess role in the Opera Aida that was given at Syria Mosque. So, I know that I am here today because the show must go on. Thank you very much.

The Chair:

Thank you all. Thank you very much.

I really think we need additional suggestions. We have a lot of great Pittsburghers that have made such tremendous contributions, no matter what you talk about. I could see a few markers in Lawrenceville for some of our great sports figures. And, I think we should all be encouraged to write to the Pennsylvania Historical Commission and Marker Society because I think we can get more markers up and really take pride in the heritage or the contributions of so many great Pittsburghers.

At this time I am very pleased to have some of my friends from the Lawrenceville community come forward. Gentlemen, please. We have the Post Commander here and the Chairman of an event that is coming up from the Ralph McNulty Post 214. We have Ralph Maiorana, who is the Chairman, and Ignatius Antosz, Post Commander.

And, I am very honored and pleased to read the following proclamation:

THE CHAIR PRESENTS

No. 1023 WHEREAS, The W. Ralph McNulty Post 214, Veterans of Foreign Wars, will be celebrating its 75th Anniversary on Saturday, September 24, 1994 at the Post home located at 318 52nd Street in Lawrenceville; and

WHEREAS, The W. Ralph McNulty Post was founded and organized at a meeting held in September 1919 by a group of Ex-Service men from the 6th, 9th, and 10th Wards at which time they named the Post in honor of W. Ralph McNulty, a Lawrenceville boy, who was killed in action on September 26, 1918; and

WHEREAS, Since the inception of Post, it has taken an active interest in the welfare of Ex-Service men of the Lawrenceville district by providing valuable services to those individuals and their families; and

WHEREAS, The W. Ralph McNulty Post prides itself as one of the subscribers to a lifetime membership in the V.F.W. National Home at Eaton Rapids, Michigan by annually contributing funds to help further support the efforts of this home; and

WHEREAS, The Post has always taken an interest in the welfare of the youth of the community by sponsoring programs that promote social, athletic, and other activities that tend to perpetuate the ideals and objectives of their organization; and

WHEREAS, The Post has always participated in, contributed to and cooperated with other organizations in activities that are beneficial to the residents of the Lawrenceville Community.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby declare Saturday, September 24, 1994, "W. Ralph McNulty Day" in the City of Pittsburgh.

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh does hereby commend the W. Ralph McNulty Post 214, V.F.W., for its 75 years of dedication, contributions and services that are greatly appreciated by not only the Lawrenceville Community but also by the City of Pittsburgh.

MR. COHEN moved to adopt the resolution.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

The Chair:

Thank you very much. I think the proclamation speaks for itself. We have some

great individuals here from the community, including the Post Commander and the Chairman of the upcoming celebration event, and it is a great honor for me to be here submitting this proclamation on behalf of these gentlemen and, unfortunately, a lot of other men and women that could not be here because they paid the ultimate sacrifice.

At this time I am very pleased to introduce Ralph and Iggy, if you want to say a few words, and we will get you your proclamation here. Here you go.

Mr. Maiorana:

Thank you. I just want to say, on behalf of the Ralph McNulty Post, we are happy to be here and thank City Council for having us and help us celebrate this 75th anniversary of our post. Thank you.

The Chair:

Thank you.

Mr. Antosz:

I also want to thank President of Council, Jim Ferlo, and Councilmembers for inviting us to this occasion. It is wonderful for them to think so highly of us and our contribution to the community and to the City.

We are really one of the oldest posts in the City of Pittsburgh and also in the United States of America. This post, as was mentioned, was originated in 1919. We are going to have a 75th celebration in our post home on Saturday evening at 6 o'clock.

And, I want to recognize the fellows with me here, as we refer to them as comrades. Every member here with me today is a past commander or current commander of our post and they represent 50 years of service to this V.F.W. post, and that is two-thirds of the lifetime of our post so far, and without these comrades here our post would not be what it is today.

We are very proud of what we do in our neighborhood for the whole community, the residents, the comrades, the sick and the deceased, who we honor on Memorial Day and also on Veteran's Day and we participate in all the local events in the 6th, 9th and 10th Ward.

I thank you again for inviting me.

The Chair:

Thank you. Thank you all and we look forward to a great event on Saturday. Thank you for your contributions, and we will see you at the dedication of the historical marker also.

At this time I would like to move directly to Presentation of Papers. Mr. Cohen, Committee on Public Safety.

Mr. Cohen:

Mr. President.

The Chair:

Thank you, Mr. Cohen.

MR. COHEN PRESENTED

No. 1024 Resolution providing for the issuance of a warrant in favor of Liebert Corporation in the amount of $7,950.00 in payment for repair services to the Uninterruptible Power Supply for the Emergency Operations Center, chargeable and payable from Code Account ETATF.

Which was read and referred to the Committee on Finance.

MR. CUSICK PRESENTED

No. 1025 Resolution transferring the amount of $30,000.00 from Code Account No. 1927-9, Workers Compensation, Department of Water, to Code Account No. 1482, Miscellaneous Services, Department of Engineering and Construction, for the purpose of the Pioneer Avenue Landslide Survey.—**(SPONSORED BY MR. CUSICK)**

Which was read and referred to the Committee on Finance.

MR. CUSICK moved to suspend Rule 8 by providing for consideration of the bill only until or after the 8th calendar day following the meeting in

which the bill was introduced so the bill will be on the agenda this Wednesday.

MR. COHEN seconded the motion.

Which motion prevailed.

THE CHAIR PRESENTED

No. 1026 Resolution appointing CYNTHIA T. ESSER, 1122 East Carson Street, Pittsburgh, PA 15203, as a Member of CITY OF PITTSBURGH'S PLANNING COMMISSION, with a term to expire September 30, 2000.

Also,

No. 1027 Resolution appointing EDWARD J. SWEENEY, 306 LaBelle Street, Pittsburgh, PA 15211, as a Member of the CITY OF PITTSBURGH'S PLANNING COMMISSION, with a term to expire September 30, 2000.

Also,

No. 1028 Resolution appointing ROBERT F. PROVOLT, SR., 540 Lovelace Street, Pittsburgh, PA 15220, as a Member of the CITY OF PITTSBURGH'S WATER AND SEWER AUTHORITY, with a term to expire January 1995.

Also,

No. 1029 Resolution appointing CLIFF MERKELL, 1100 Liberty Avenue, Pittsburgh, PA 15222, as a Member of the CITY OF PITTSBURGH'S WATER AND SEWER AUTHORITY, with a term to expire January 1998.

Which were read, received and filed.

The Chair:

With the pleasure of the body, I would like to suggest we bring all four of the individuals in for appropriate interviews at the Wednesday's session. And, maybe we can leave it up to Mr. Onorato and the Clerk to schedule either tomorrow, based on the attendance, or next Wednesday. Is there any objection to that?

Mr. Hertzberg:

No.

The Chair:

What is the pleasure of the body? Can we have a motion.

Mr. Onorato:

So moved.

MR. COHEN seconded the motion.

The Chair:

Moved and seconded to formally conduct interviews for these individuals that have been nominated. All in favor?

WHICH MOTION PREVAILED.

The Chair:

Thank you. The City Clerk will work it out with Mr. Onorato on the schedule.

REPORTS OF COMMITTEES

The Chair:

At this time we will move directly to Unfinished Business or Reports of Special Committees. Any other matters to have come before the body?

Hearing none, we will move to Reports of Committees, beginning with Committee on Finance, Councilman Onorato.

Mr. Onorato:

Mr. President.

The Chair:

Thank you, Mr. Onorato.

MR. ONORATO PRESENTED

Bill No. 1030

Report of the Committee on Finance for September 14, 1994, transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 951

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of U.S. Nuclear Regulatory Commission, License Fee and Debt Collection Branch, in the amount of $2,470.00 in payment of the Annual Materials Fee Invoice, charging the same to Code Account 1482."

Which was read.

Also,

Bill No. 952

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of CSX Transportation in the amount of $4,204.01 in payment of Railroad Flagging Services required for the Rehabilitation of the Schenley park Bridge over Boundary Street, charging the same to Code Account EC90-74."

Which was read.

Also,

Bill No. 953

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Ground Technology, Inc. in the amount of $11,960.32 in partial payment of a Contract to investigate the landslide occurring on the slope above Voskamp Street and to develop designs for stabilizing the slope, charging the same to Code account EC 94-210."

Which was read.

Also,

Bill No. 954

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of the Stadium Authority in the amount of $500,000.00 for Various Capital Improvements, charging the same to Code Account EC 94-529."

Which was read.

Also,

Bill No. 956

A Resolution entitled, "Resolution providing for the issuance of a $2,058.11 warrant in favor of Helen Germany for auto damage by a City police vehicle, charging the same to Code Account No. 46, Judgments."

Which was read.

Also,

Bill No. 957

A Resolution entitled, "Resolution providing for the issuance of a $912.70 warrant in favor of American Contractors Equip. Co. for damage to rented equipment, charging the same to Code Account No. 46, Judgments."

Which was read.

Also,

Bill No. 958

A Resolution entitled, "Resolution providing for the issuance of a $783.10 warrant in favor of Sargent Electric for property damage by a City refuse truck, charging the same to Code Account No. 46, Judgments."

Which was read.

Also,

Bill No. 959

A Resolution entitled, "Resolution providing for the issuance of a $9,443.70 warrant in favor of Browning-Ferris for property damage by a City

Recycling truck, charging the same to Code Account No. 46, Judgments."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Smith
Mr. O'Connor	Mr. Ferlo
	(Pres't)

AYES 8 NOES none

And there being two-thirds of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 961

A Resolution entitled, "Resolution providing for the conveyance of certain property in the 10th Ward, City of Pittsburgh, designated as part of Block 121 L, Lot 129, to Helen E. Barlak, for the sum of $350.00."

Which was read.

Also,

Bill No. 962

A Resolution entitled, "Resolution providing for the conveyance by the City of Pittsburgh of certain property under Act No. 171 of 1984, entitled, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984."

Which was read.

Also,

Bill No. 963

A Resolution entitled, "Resolution repealing Resolutions, approved on various dates, authorizing the sale of properties in various wards of the City of Pittsburgh, in accordance with Act No. 171 of 1984."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Smith
Mr. O'Connor	Mr. Ferlo
	(Pres't)

AYES 8 NOES none

The bills having received the legally required number of votes are passed finally.

Also,

Bill No. 964

A Resolution entitled, "Resolution providing for the filing of a petition or petitions for the sale of certain property or properties, acquired at tax sales in accordance with Act No. 171 of 1984, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984." AS AMENDED

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Mr. Smith:

Yes, Mr. President.

The Chair:

Councilman Smith.

Mr. Smith:

I would like to make a motion to delete inside of Bill 964 Item B. It is in my Council District, and I would like to have an opportunity to investigate it.

MR. RICCIARDI seconded the motion.

The Chair:

It has been moved and seconded on Bill 964, deleting Item B. All in favor?

WHICH MOTION PREVAILED.

The Chair:

The bill is amended. Please take note, Clerk's Office.

Also,

Bill No. 967

A Resolution entitled, "Resolution providing for the transfer of $274,712.00 from Code Account 1977, (197707), Utilities, Department of Water, to Code Account 1132-7, (113274),Utilities, Department of General Services."

Which was read.

Also,

Bill No. 968

A Resolution entitled, "Resolution providing for the transfer of $71,500.00 from Code Account 1922, (192203), Miscellaneous Services, Department of Water, to Code Account 1132-5, (113225), Telephone Services and Equipment, Department of General Services."

Which was read.

Also,

Bill No. 969

A Resolution entitled, "Resolution providing for the transfer of $19,000.00 from Code Account 1922, (192203), Miscellaneous Services, Department of Water, to Code Account 1132-5, (113258), Radio Improvements, Department of General Services."

Which was read.

Also,

Bill No. 992

A Resolution entitled, "Resolution authorizing the transfer of Thirty-Five Thousand Dollars from Code Account 1402-9, Index Code 140293, Worker's Compensation, Bureau of Administration, to Code Account 1420-9, Index Code 142091, Worker's Compensation, Bureau of Emergency Medical Services, Department of Public Safety."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen Mr. Onorato

Mr. Cusick Mr. Ricciardi
Mr. Hertzberg Mr. Smith
Mr. O'Connor Mr. Ferlo
(Pres't)

AYES 8 NOES none

The bills having received the legally required number of votes are passed finally.

Also,
Bill No. 993

A Resolution entitled, "Resolution providing for the issuance of a $1620.37 warrant in favor of Robert J. Schmidt for auto damage by a City fire vehicle charging same to Code Account No. 46, Judgments."

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen Mr. Onorato
Mr. Cusick Mr. Ricciardi
Mr. Hertzberg Mr. Smith
Mr. O'Connor Mr. Ferlo
(Pres't)

AYES 8 NOES none

And there being two-thirds of the votes of Council being in the affirmative, the bill passed finally.

MR. RICCIARDI PRESENTED

Bill No. 1031

Report of the Committee on Public Works for September 14, 1994, transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 970

A Resolution entitled, "Resolution vacating a portion of South Water Street between South Twenty-Fifth Street and South Twenty-Sixth Street in the 16th Ward, 3rd Council District of the City of Pittsburgh."

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Mr. Ricciardi.

Mr. Ricciardi:

Thank you, Mr. President and Colleagues. As stated during our Committee Session, this exchange of property will allow the South Side Park to expand, obviously benefiting the entire City of Pittsburgh but especially the neighborhoods south of the river.

The Chair:

Any other discussion?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen Mr. Onorato
Mr. Cusick Mr. Ricciardi
Mr. Hertzberg Mr. Smith
Mr. O'Connor Mr. Ferlo
(Pres't)

AYES 8 NOES none

The bill having received the legally required number of votes passed finally.

MR. SMITH PRESENTED

Bill No. 1032

Report of the Committee on Planning, Housing & Development for September 14, 1994, transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 761

A Resolution entitled, "An Ordinance Amending the Pittsburgh Code, Title Nine, Zoning District Map No. 12, by changing from "R4" Multiple-Family Residence District to "A1" Commercial-Residential Associated District all that certain property located on the easterly side of Copeland Street and identified as 731 Copeland Street, 7th Ward. (Council District No. 8)"

Which was read.

Also,

Bill No. 973

A Resolution entitled, "Resolution approving a conditional use exception under Section 993.01(a)A(37) of the Pittsburgh Code, title Nine, Zoning, Article V, Chapter 993, as amended, to the Pennsylvania Department of Military Affairs for authorization to construct a five story skilled nursing and domiciliary care facility known as the Southwestern Veterans Center at 7060 Highland Drive with parking to accommodate 180 automobiles on property zoned "I-M" Institutional-Medical District, 12th Ward."

Which was read.

Also,

Bill No. 974

A Resolution entitled, "Resolution approving a conditional use under Section 993.01 (a)A(10) of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993, as amended, to the Women's Center & Shelter of Greater Pittsburgh for authorization to convert an existing three-story structure into a 36-bed institutional facility with offices located at 4760 Centre Avenue, with parking for 34 automobiles, on property zoned "R5" Multiple-Family Residence District, 7th Ward."

Which was read.

Also,

Bill No. 975

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to Transfer an amount not to exceed $400,000.00 from the Industrial Land Reserve Fund to the Neighborhood Development Program to reimburse costs incurred in connection with the acquisition of the American Lung Association buildings."

Which was read.

Also,

Bill No. 976

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to submit an application for financial assistance in the amount of $560,000.00 to the Pennsylvania Department of Community Affairs for the North Shore Redevelopment Area."

Which was read.

Also,

Bill No. 977

A Resolution entitled, "Resolution authorizing a Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh for the North Shore Redevelopment Project Area, providing for the reimbursement by the City of the Commonwealth for any expenditures found by the Department of Community Affairs to be ineligible

and obligating the City of pay any local share of the project costs."

Which was read.

Also,

Bill No. 978

A Resolution entitled, "Resolution authorizing the URA to acquire all of the City's right, title, and interest, if any, in and to publicly-owned property designated as Block 11-E, Lot 265, in the 3rd Ward of the City of Pittsburgh."

Which was read.

Also,

Bill No. 979

A Resolution entitled, "Resolution approving the sale of Block 70-C, Lot 44B in the 28th Ward of the City of Pittsburgh by and between the URA and Stanley J. and Julie A. Szwecki, for $575.00 - Residential Land Reserve Fund (sideyard)."

Which was read.

Also,

Bill No. 980

A Resolution entitled, "Resolution approving execution of a disposition Contract by and between URA and Barry L. Stein, d/b/a Warring-Mill Land Co., for the sale of Block 14-A, Lot 333 in the 18th Ward of the City of Pittsburgh for $1,500.00 -- Industrial Land Reserve Fund (commercial construction)."

Which was read.

Also,

Bill No. 1007

A Resolution entitled, "RESOLUTION AMENDING RESOLUTION NO. 276 APPROVED MAY 3, 1994, AS AMENDED, ENTITLED, "RESOLUTION providing for an Agreement or Agreements with various community organizations for operational/administrative expenses, maintenance, purchase of equipment; and/or minor rehabilitation of neighborhood facilities for the benefit of residents of the City of Pittsburgh, at a cost not to exceed $101,500.00, chargeable to and payable from Code Account 1103 (110304) Miscellaneous Services, Department of City Planning. By changing Three Five Community Advocates to Hill Community Development Corp. (Three Five Community Advocates)---**(SPONSORED BY CHRISTOPHER A. SMITH)**"

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Mr. Cohen.

Mr. Cohen:

Thank you, Mr. President. On Bill 761, dealing with 731 Copeland Street in Shadyside, I would like my comments brought forward.

(REMARKS -- SEE ADDENDUM)

Mr. Cohen:

And, just also to tell Council that, the declaration that I had presented to you last week, has been signed and notarized. This is a declaration in which the property owner agrees to certain restrictions, including not to put a restaurant, banquet hall or theatre there, and also not to seek any height exceptions, and I appreciate Council's support for this bill. I think this is a good compromise between the neighborhood and the commercial sector in Shadyside.

The Chair:

Thank you very much. Any other comments?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen Mr. Onorato
Mr. Cusick Mr. Ricciardi
Mr. Hertzberg Mr. Smith
Mr. O'Connor Mr. Ferlo
(Pres't)

AYES 8 NOES none

The bills having received the legally required number of votes are passed finally.

The Chair:

Mr. Cohen, you had your hand up.

Mr. Cohen:

Yes. Mr. President, just briefly.

I would like that Restrictive Convenants to be put in the record for this vote.

The Chair:

No. problem. Please supply a copy of the document to the Clerk's Office, we will accompany it with the official Council record.

Mr. Cohen:

Thank you. Now Public Safety.

The Chair:

Councilman Cohen, Committee on Public Safety.

MR. COHEN PRESENTED

Bill No. 1033

Report of the Committee on Public Safety for September 14, 1994, transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 971

A Resolution entitled, "Resolution amending the Pittsburgh Code, Title VI--Regulated Rights and Actions, Chapter 601.08, 'Alcohol or Liquor Consumption on Streets or Sidewalks,' by providing for a City-wide ban on the consumption and possession of alcoholic beverages under certain terms and conditions. This ordinance shall be known as the 'Open Container Law'."— **(SPONSORED BY MR. RICCIARDI)**

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Mr. Ricciardi:

Thank you, Mr. President.

I am working closely with the Administration and Councilman Hertzberg.

I would like to make the following amendment in order to stay consistent with the wording of our Pittsburgh Code, that is, Section 601.08, by deleting "express permission" and by adding the word "consent", c-o-n-s-e-n-t.

MR. HERTZBERG seconded the motion.

The Chair:

The amendment is on the table. It has been moved and seconded. Any discussion?

All in favor?

WHICH MOTION PREVAILED.

The Chair:

Other comments? Mr. Ricciardi.

Mr. Ricciardi:

On the bill itself. Thank you, colleagues, I promise that I will do my very best not to be redundant and touch upon what we have touched during the Committee Session.

However, the bill before us has been -- will be known as the "Open Container Law", that

is that it would prohibit the carrying of open containers, bottles, glasses of liquor, beer or wine.

The catalyst of this bill was the South Side Spectacular, that is, when we had hundreds of people drinking in public off the festival grounds, that is, off the festival block parties.

It was very interesting at the time when I approached the police officers and to see why this activity could not be stopped, that is, that the community and the City of Pittsburgh set certain standards and those standards should be lived by.

The police officers, including the Chief of Police informed me that they were unable to stop certain activity, that is, we already state in the Pittsburgh Code that no person shall drink any alcohol or liquor from any bottle, glass, cup or other container while on any City street or sidewalk. That is in the Pittsburgh Code today, that is a community and City of Pittsburgh standard and that is the law. However, most people, if not all people are not going to openly drink in front of police officers. So, police officers could not stop certain activity. This activity has become very popular during certain City wide events. such as the South Side Spectacular, such as the Pittsburgh Marathon, such as the Great Race, activity that is unacceptable by neighborhoods in the City of Pittsburgh and activity that is unacceptable by the South Side community at large.

So, what we are dealing with here is a logical extension of the current Code, that is, no drinking in public. What we are also dealing with is we are hoping to curtail public drinking, which is obviously unacceptable.

Let me also state, for two years my staff and I attended the Nuisance Bar Task Force here in the City of Pittsburgh, which I was a member. One of the complaints that we had in the Hotline, which is 255-bars, b-a-r-s, was that people were drinking in public, that is, they were drinking in front of the establishment or drinking around the establishment, or leaving with their open bottles and carrying their bottles to the cars. Unfortunately, when the police would show up on the scene, they were not drinking in front of the police officers. So, the police officers could not curtail that activity.

It is very interesting that we have the same problem in market square. Right now presently there are probably upward to a dozen people drinking. When I questioned the Chief why that activity was not able to be stopped, again they stated that the law only says that you cannot drink in public. Well, again, people are not going to openly drink in front of a police officer. We have to give the police this enforcement tool.

Before us we do have a memorandum from Chief Buford, which obviously I did contact the Administration and ask their position, and the Chief supports this. He believes that this is going to definitely help with nuisance bars, it is going to help people, hopefully help the police officers stop people from drinking in public, that is, street corners, local ball fields and public parks.

Let me also state that this in no way will stop people from tailgating, this in no way will stop people from having block parties. As a matter of fact the Legislation reads, that no person shall consume alcohol beverages or carry or possess an open container of alcohol beverages in the public right-of-way or on private property without the consent of the land owner or tenant, except that this prohibition shall not apply to block parties held under special permit issued by the Department of Public Works.

Presently if someone wants to have a block party, such as the South Side Spectacular, or a block party in Bloomfield or Lawrenceville or any other part of the City, that they need a permit. On that permit will be one line stating that they will be serving alcohol or alcohol will be on premise, and people will be carrying, obviously, open containers.

So, in no way does this bill infringe on the rights of people to drink in public in an acceptable manner and also on acceptable premise.

The bill has been very popular and has been very effective in State College and has recently passed in the City of Philadelphia, and hopefully it will pass here.

Let me state, however, on a personal note, I would like to thank the people who voted preliminary for the bill, Councilmembers Hertzberg and Cohen. Let me also state that last night in front of 200 people in the South Side,

when this bill was mentioned, that they received a nice round of applause, and I want to thank both of them.

Mayor Murphy stated publicly at the meeting also that he supports the bill, Chief Buford supports the bill, the Law Department does not see a problem.

It is unacceptable that people drink in public. It is already in the Pittsburgh Code, this is just a logical extension of that to make it more enforceable. Thank you.

The Chair:

Thank you, Mr. Ricciardi.

Mr. Ricciardi:

Thank you, Mr. President.

The Chair:

Needless to say, I would like to respond. Mr. Hertzberg.

Mr. Hertzberg:

Thank you, Mr. President.

I commend Councilman Ricciardi, and I view this bill as merely a curative type of bill to catch an obvious flaw in the current legislation. I think it has long been the intention of the provision in the current City Code to prevent people from being out in the public drinking, and it is a pure technical problem that the legislation would require the person actually be observed drinking from it rather than holding it, where we are just into a question of circumstantial versus direct evidence.

The amendment that I have co-sponsored here changes the language just a little bit, by deleting what was "express permission" of a private land owner and changing it to "consent". I think there could have been an argument made with the use of the words "express permission," in the case of functions like tailgate parties, that you do not necessarily have express, affirmative permission from the land owner to do those things, and you may never get it.

On the other hand, I do not think anyone can argue that you do not have consent to do that, after the tailgate tradition of the past 20 or 50 years that we have.

So, that is the intention of the amendment, and I will be voting very much in favor of this. Thank you, Councilman.

The Chair:

Just in response. I would like my comments brought forward from the Standing Committee discussion and debate on this bill.

(REMARKS -- SEE ADDENDUM)

The Chair:

I, obviously, am concerned. I appreciate Mr. Ricciardi's intent and purpose for wanting to submit this legislation in response to an identifiable problem associated with the South Side Streets Spectacular, but this "Open Container Placebo," and that is all it is, passage of this has no relationship to effectively dealing with the problems that Mr. Ricciardi has talked about.

Passage of this bill in no way is going to deal with the thousands of people that pour out on to a street, such as the South Side Festival, and deal with the issue of drinking.

As far as the memo from the Police Chief. If the Police Chief cannot effectively deal with nuisance bars, including people that leave that bar and are rowdy or engage in harassment or urinate on a community street, then he should not be the Police Chief. It has nothing to do with this bill. We have enough laws and statutes on the books that the Police has at his disposal, along with police officers, to effectively deal with the problem.

So, I resent this notion that passage of this bill somehow has all these lofty aspects of dealing with some of the criminal activity and inappropriate activity on the City streets, and I am not going to support that, nor attempt to send that message to my constituents.

As far as individuals engaging in public drunkenness or drinking in Market Square, has the Chief ever heard of such a thing as a plain clothes officer. I mean it is ridiculous that because the

current Code says you have to be observed drinking. Well, have an officer in Market Square observing the drinking and then make the appropriate arrest, and if people are harassing somebody on the street, arrest them and put them in jail and bring them before the court system.

I mean passage of this bill is overkill and I do not support it.

You know there was a great philosopher who once said that when somebody obtains public office and finally gets elected, the best thing that he can do is pass no new laws and repeal half the ones that are currently in force. And, that is a little bit maybe harsh but that is sort of how I feel about this bill.

I mean this grew out of a particular problem. The best thing the South Side organizers can do, rather than kill a great event is put some Mr. John's along the corridor and chastise and work with the bar owners, of which there are probably 30 or 40 along the Carson Street corridor, and deal with the nature of the event, in terms of open drinking.

And, as far as people engaging in activity that are already on the books. If people are at the Spectacular and they are urinating on the street, that is illegal and they should be arrested. It has no relationship to this bill.

If people are harassing people on the street or are openly drunk and there are plain clothes officers through the corridor, they should be taken away. Why should some good event be ruined because of a hundred jerks. I mean take those jerks off the street and get rid of them, don't kill a neighborhood event. If the South Side does not want to host the event any more, that is their right and their prerogative, and maybe it is time that they just decide to do that.

But, I do not agree with the passage of this bill. I do not agree with sending a notion that has all these lofty impacts that it does not have, and I resent the fact that we have a Police Chief and a Police Department that says they cannot deal with the problem with a hundred other laws in the books and we got to pass this bill.

I do not support it, I think it is an overkill, it is not effective. I do not appreciate the excuses of others involved in not saying they can deal with the problem, and I'm telling you what, I'm having my Marathon party every year.

Other comments?

Mr. Onorato:

I figured you would.

Mr. Ricciardi:

Just in response. Thank you, Mr. President. That is what we are trying to do is take those hundred jerks off the streets, not only for the South Side Spectacular --

The Chair:

Well, arrest them.

Mr. Ricciardi:

-- but throughout the entire City of Pittsburgh.

However, as Mr. Hertzberg has eloquently stated, the present law is flawed, because of its wording. No one has ever been arrested under the present law itself. They have been arrested for Disorderly Conduct but not the present law.

So, if we are going to be opposed to drinking in public, that is, if we are going to be opposed to people drinking on the streets of the City of Pittsburgh, opposed to people walking down the corridor, the public right-of-way drinking, the present law just does not work. The extension, the logical extension, what we have before us today, can work. So, let's give it a shot.

We have a Chief of Police, who has been trained in this type of, hopefully, police work, who also agrees that we need this logical extension, why not give it. Thank you.

The Chair:

Mr. Onorato and then Mr. O'Connor.

Mr. Onorato:

Thank you, Mr. President.

Let me start off by saying, I sympathize with the problem on the South Side. I know I have some areas on the North Side, and I am sure everybody has a location or two in their districts where we have this type of problem.

I do not support the legislation today, I am going to vote "no", only because I think that it truly is an enforcement issue, just like it is with a lot of our other problems right now in the City.

For example, I look at the memo from the Chief and two of the items he mentioned that this would help with are local ball fields and public parks. Well, I do not know about the parks throughout the City but I know the majority of them on the North Side have signs that say, no alcoholic beverages within the parks at any time.

We just had a major celebration at Riverview park, with films and different movies and entertainment, up on the hill, 600 to 700 people, there was no alcohol in the park. It was well policed, though. Let me point that out. There were a lot of police around there, and you had to go through one entrance to get onto the grassy area to watch it, which tells me this is an enforcement problem. If we can enforce what is on the books now, we can stop this problem.

There are a lot of activities that go on within the City, the Marathon, the Strip District at least twice a year has affairs where the bars come outside and set up taps and people walk around on a nice Saturday drinking a beer, and there is nothing wrong with that, I have no problem with that, but once they cross that line and they are disorderly or they are harassing people, get rid of them, take them off the street immediately.

In 1992, January of 1992, when Councilman O'Connor and I got on Council, with the help of all our colleagues here, we all fought and argued over Community Oriented Policing, and this body helped fund 300 additional officers. We now have Beat Officers throughout the City, or COP Officers, whatever name you want to give them, maybe we will redirect what they are doing -- well, not redirect it, but add this to their list, and put them in the areas where this problem is, or if we need more police officers, let's deal with that issue.

Market Square. I agree with you, Mr. President, that there is no excuse for that, that we cannot go down there and take these people that are just drinking and sitting there eight hours a day. I do not care if they see them or not, there is a way to find them, and like you say, plain clothes, or just sit there for an hour, I guarantee you, they will take a sip within that hour.

It is the same problem in the parks on the North Side, across from some of the great social centers that they would like to expand over there, because it supposedly helps everybody in the county, except the North Side.

But, that is the issue. It is an enforcement problem, and I feel that dealing with the Nuisance Bar Task Force and with the proper policing, that we could eliminate this problem. I just do not think that we should just ban it altogether, because there are too many functions that take place in the City, because we are the urban center, and I do not think that we can compare ourselves with the suburbs right now, because they cannot put on a million person Regatta, they cannot put on a -- well, hopefully they never will be able to put on a football game. We have the facilities here, and it is part of the entertainment to have a beer or whatever drink you want to have, but everyone has to live within the rules, if they cross that line and they get intoxicated, or they urinate on property, we have laws to handle that.

And, I really believe this is a major enforcement problem and we should really look into enforcing it, because my feeling is, if this passes today, we are still going to be back here saying, are we going to enforce this law. We still need the officers to enforce this law. And, I think that is where our problem lies.

The Chair:

Mr. O'Connor.

Mr. O'Connor:

Well, actually I think I agree with what you said, Mr. Onorato, and a lot of what you said, President Ferlo. But, it looks like we are hiding behind the excuse. Right now drinking is illegal in public anyhow. So, all this is doing is covering that -- closing a small loop hole.

And, I would hope that the police officers who are not enforcing -- now we are not asking

you to go arrest every -- at your community park, at a St. Patrick's Day Parade, people watching, whether it be a parade or an event or tailgating --

The Chair:

That is what the bill says.

Mr. O'Connor:

Well, right now legally you cannot drink in public anyhow. So, that is a law. So, everybody is doing that anyhow.

Evidently, though, when there is a panhandler in Oakland on the corner falling over himself and bothering people and the cops are not doing anything because they say he's not doing -- they actually don't see him drinking. I have had enough. I think they are hiding behind the excuse, as you say. So, let's remove that excuse. If the wrong person or wrong element has an open container, when he or she acts up, we better clamp down on them.

This is just one excuse, possibly, the police are using. The Civil Liberties again, the laws are protecting this person.

I go to community meetings and they say, well. we can't do anything in the park because there is no sign. I mean a sign never stopped anybody, whether it be speeding, drinking or whatever.

So, if the wrong element is doing the wrong thing, this just gives the police officer an opportunity to do his job, and I agree with you, he should do it. I am supporting it because it will just remove that excuse.

The Chair:

Thank you, Mr. O'Connor.

Mr. Ricciardi, can I just ask a direct question? This is just to better educate myself on the bill.

Passage of this bill, what would be the net effect for the South Side Street Festival? Is it that upon passage of this bill --

Mr. Ricciardi:

Passage of this bill --

The Chair:

Let me just get my question out.

-- recognizing that you have thousands of people on the street, is it your intent that the police then will be arresting thousands of people, because that, in effect, is what is before us?

Mr. Ricciardi:

Well, first of all, Mr. President, you talked about a hundred jerks and now you're on thousands of people. If you --

The Chair:

Well, the bill --

Mr. Ricciardi:

-- if you read the bill --

The Chair:

-- represents thousands of people. I want to zero in on the hundreds of jerks.

Mr. Ricciardi:

Excuse me, Mr. Ferlo. Thank you.

If you read the bill, the bill states that you cannot have open containers, however, you could have them within certain areas, such as -- what would happen is -- and as we do now on the South Side, is when there are festival streets, that is, the streets are part of the block parties, when they go for their permits, it will be a established that within these block parties, that open containers and public drinking will be permissible; however, once a person leaves the established area, they will not be permitted to leave with their open container.

What this bill will do is, those 100 or 200 people that are not really part of the festival at all, because the festival is not the entire corridor of Carson Street, when those 100 or 200 people are walking Carson Street, with their open bottles of beer, what is going to happen is a police officer can

now move in for a summary offense, the same thing they can do for public drunkenness.

As you know, there is a law in Harrisburg stating now trying to make it an arrest for public drunkenness. What we are trying to do is, families, visitors, people that are coming to the South Side Spectacular to enjoy the day, cannot walk along Carson Street in a very comfortable manner because hundreds of people are walking with open beer bottles. It is not acceptable to the South Side, it is probably not acceptable in any other neighborhood in the City of Pittsburgh. People are focusing in on the South Side, and I welcome that, because that was the catalyst, but please keep in mind that it is not only a problem for the South Side Spectacular, it has become a problem for the Marathon and also the Thrift Drug Race.

What I hope to see happen in the South Side is, now at every block we could have Public Works there with a gigantic bin, we could have police officers there, and when someone walks by, hopefully once it is pointed out that it is not permissible, it is against the law, they are not going to want to be detained by a police officer, hopefully they will just dump their container.

It is just very simple as that, Mr. Ferlo. And, again, this does not stop block parties throughout the City of Pittsburgh. This does not stop people drinking along parade routes, as long as the sponsors, while they are filling out the application, mark that -- where the parade route is going to occur and this type of activity is permissible.

The Chair:

Thank you, Mr. Ricciardi. Other comments or discussion?

I would like my comments brought forward from the Committee Session.

(REMARKS -- SEE ADDENDUM)

Mr. Hertzberg:

I would like mine brought forward also.

(REMARKS -- SEE ADDENDUM)

The Chair:

Any other comments on any other bills?

The bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:
Ayes:

Mr. Cohen	Mr. O'Connor
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Smith

AYES 6 NOES 2

VOTING NO:

Mr. Onorato Mr. Ferlo
(Pres't)

The bill having received the legally required number of votes passed finally.

MR. CUSICK PRESENTED

Bill No. 1034

Report of the Committee on Engineering & Construction for September 14, 1994, transmitting two resolutions to Council.

Which was read, received and filed.

Also, with a **NEGATIVE** recommendation,

Bill No. 793

A Resolution entitled, "Resolution adopting Official Sewage Facilities Plan for Envirotest Partners, Teledyne Industries, Plan of Subdivision, located on Idlewood road 125 ± Northeast of Bell Street, in the 28th Ward of the City of Pittsburgh."

Which was read

The Chair:

This has been a negative recommendation from the Committee, if we want to act on this first, and then we will read the second bill.

You have heard the reading and title of the bill, is there any discussion on the bill?

Mr. Hertzberg.

Mr. Hertzberg:

Thank you, Mr. President. This bill involves something that is going on within City Council District 2, in the East Carnegie community. That is a neighborhood that is in the far southwestern reaches of the City of Pittsburgh, on one side, I believe, we have Rosslyn Farms and then in another, we have the Borough of Carnegie and Township of Scott and Greentree, it is over in that area.

What this bill is not is it is not a referendum on the State's new Auto Emissions Inspection System. That is not in front of City Council right now. I am not in favor of the new State emissions set-up, but that is not what is in front of us. What is in front of us is a bill that adopts an Official Sewage Facilities Plan for that particular facility for Envirotest, for this program. There is nothing at all wrong with the Sewage Facilities Plan. Our Engineering & Construction Department has reviewed it and given it an A+.

I think if we are going to vote negatively again today, the taxpayers of the City are going to lose in the end, because if we go to court on this, we are not only going to have to deal with our own attorneys, we are probably going to have to deal with the attorneys that represent Envirotest, because there are just no foundation and any fact whatsoever for voting "no" on this bill.

In addition, we stand to lose millions of dollars from the Federal Government in highway funds and that is what is attached to all of this and that is why the State took the action that it took in setting up this whole program, although there may be alternatives, we have no authority, we have no power whatsoever to deal with any of those alternatives.

This particular bill was introduced some time over the summer, if anyone recalls; at that point it was held for at least four weeks, maybe as long as six weeks, at my urging until after our break. After our break it was recommitted and it has come up again today. So, it has already been pingponged and ricocheted around, where it sits right now.

I think a "yes" vote here is the only responsible vote to make, although I, again, repeat and I would urge any other Councilmember to make their feelings known on the State's new program. I am against it, but I think the only vote on this Sewage Plan has got to be "yes".

Thank you.

The Chair:

Thank you, Mr. Hertzberg. Mr. Cohen had his hand up and then Mr. Onorato.

Mr. Cohen:

Thank you, Mr. President. On the same bill, we discovered last week that what looks like a routine Sewage Plan bill is not at all routine. I abstained last week at the initial vote so I could learn more about this.

The Sewage Plan that is being prepared, as Councilman Hertzberg said, is for an Emissions Testing Inspection Station called Envirotest, what bothers me about it is not the environmental requirement but the option that PennDot and the Department of Environmental Resources chose to implement that plan, and it is a classic case of bureaucratic decision making by unelected officials that is totally unresponsive to the needs of the citizens, rather than having the currently existing inspection stations do the emissions testing, instead they have decided to create 86 new inspection stations all across the State of Pennsylvania.

These are stations that are contracted by the government and create just incredible -- will create incredible inconvenience for the citizens, because not only will they have to get their regular inspections at the places they normally go, but now they have to get a new inspection at yet another station. If they do not pass inspection, they have to go back to the regular inspection and they have to go back to the new station. It is going to be a nightmare of inconvenience.

And, what really bothers me about it is that both our federal and our state elected representatives gave to unelected officials the decision making power to choose how to implement that program. I think it was wrong for

them to do that. And, if I had a chance to vote on that method, I would vote resoundingly, no, but as Councilman Hertzberg said, we have not had that chance and that chance is not before us now.

I do not think it is too late. I do think that our federal and state representatives can go back to the drawing board and come up with the better option, and that is, use the currently existing inspection stations, rather than have these 86 new stations across the State of Pennsylvania.

But, with the bill in front of us, I agree with Councilman Hertzberg, I don't think we have any choice. One, we will end up in court. That is all right, we have ended up in court before. But, I think we are going to lose this one if we vote "no" and we will end up paying lots of money, lots of taxpayers' money. Two, we will make it even more inconvenient for City residents once the plan is implemented. Because my understanding is that this is supposed to be the only new Emissions Inspection Station in the City of Pittsburgh. That in itself is a huge flaw. There shouldn't just be -- if we are going to go through with this thing, then there should not just be one station in the entire City of Pittsburgh, and if we vote against the Sewage Plan for that one station , we will actually be making it more inconvenient for City of Pittsburgh residents.

And, finally, I think we would be jeopardizing federal funding, because unless all -- as I understand the Federal Law, unless all vehicles in the Commonwealth of Pennsylvania are tested, I believe, it is by the middle of 1995, then we stand ready to lose hundreds of million dollars in Federal Highway funds. So, I cannot do that.

I think it is a lousy program but I think we have no choice but to "hold our nose" and vote for it.

The Chair:

Councilman Onorato.

Mr. Onorato:

Thank you, Mr. President. This is one of those bills that leaves a pit in your stomach and you just want to scream sometimes when you have to address a bill that basically you have a gun to your head because you have no leverage whatsoever.

I feel that this whole system is an environmental scam, as far as I am concerned, and that, unfortunately, we are not voting on, should we have this type of testing, and that has already been decided by the state and federal elected officials.

No one seems to be standing up or even questioning why they are taking this away from the neighborhood gas stations, which we have a network in place. These are -- every one of us here could probably drive to an emissions testing within two minutes of our homes. There is no strong lobby group because there is so many of them, and they are just individual small business people. Someone in the dark of the night stole this away, and I do not remember seeing any major coverage of this anywhere, until recently when we start making a fuss.

Last week I voted "no" for several reasons, one, I voted "no" because I did not like the answers I was receiving from our Director. I did not like the answers we were receiving by the individuals at the table. I felt that they were not coming forward with what we were asking. So, I voted "no" just to force information to come forward.

I have got a list in front of me here that I received as some of the information, and when I look at that, it just infuriates me. Envirotest is an Arizona-based corporation that operates emissions testing inspections across the country. That is what is replacing "mom and pop" stores down the street, who struggle every day and this is only a small part of their profits and the fact that we have a gun to our head because of the federal dollars could be in jeopardy now. That is so ludicrous. And, once again, I look to our federal officials on this one.

Envirotest has been awarded a contract by PennDot. PennDot awarded this contract. I mean, why, were they the lowest bidder? Who brought them in? Who are they? What's behind Envirotest? This is so frustrating.

Unfortunately, when I have talk to the Law Department and talk to other individuals to find out that what we are improving is just a hook up to a sewer system, that they definitely qualify to be in, and that we will be in the court, and there is probably a 90 percent chance that we would lose

this case, because under the proper zoning, Councilman Hertzberg is absolutely right, they have a right to do this, they have a right to build this, and this is not a discussion on Envirotest and the new system. I forced that discussion last week and I kept on pushing it on that issue just to see if we could have some information and to have the general public in Pittsburgh who watches cable, to have some ideal where this decision came from, because all those nice little newsletters we receive from our State Reps that we pay for, I do not never remember any explanation about Envirotest and why they are selected, I would like to hear that once in a while.

Well, you know what happens, we will get the calls from the gas station owners, why they'd take this away from us; we will get the calls from the constituents, why do I got to drive to East Carnegie to get my car inspected when I used to go down the street; we will get those calls, not the reps and senators, we will. That is what makes it very frustrating.

Unfortunately, today I am going to vote for this because I know we are going to lose and it is going to cost us money. I am going to vote for the sewers hook up, but at the end of this meeting I am going to ask that we have a motion and a letter that goes from this body to the State Reps, the State Senators and the U.S. Officials, telling them that we are a hundred percent opposed to this type of testing, and if there is anything that they can do to repeal it or to at least give it to the little guy.

One thing that came out loud and clear last Wednesday was there were three options, after this was adopted. One of the three options were to decentralize it among the stations that are in existence. That was not selected. I still do not know why that was not selected.

So, instead of putting the City tax dollars at risk, fighting a law suit, that we are going to lose, because everything is in place for this company to do it, I am going to ask that we have a resolution at the end, and we will work on the wording, at the end of this meeting, and hopefully we are unanimous against it, because I do not see any positive coming out of this type of inspecting.

If someone could tell me one good thing, and I heard the only good thing they try to comment on was it was centralized, we can control it. Well, hello, everyone, we have gas stations that we monitor for gas, we monitor for PA Inspection, we monitor for emissions; are you telling us that we cannot control that and it is just a hoax and we are throwing out money out the window? I think they have been doing a pretty good job, and you have to get these inspection stickers from the state and you have to be improved by the state to do the inspections, and if they are having a hard time controlling that, then maybe they should look into their enforcement, too.

But, to just take this away from all the small business operators and to put a sham on the public like this is a disgrace, and I want to put that on the record right now.

I am voting for the sewage hook up because we have no choice, but I am a hundred percent opposed to shutting down the small businessman and shoving this down our throat, putting it in one area in the City.

The Chair:

Thank you, Mr. Onorato. Councilman O'Connor.

Mr. O'Connor:

I have to put my two cents in because I agree with my three colleagues who spoke, and this started with me, from my neighborhood gas station owner a couple months ago. Unfortunately, it is too late. And, as you investigate, I hope that, with the media here, they should investigate. This smells like a fix at the national level and it is just trickling down. It looks like the old Ergonomics, where the rich are going to get rich. This Envirotest out of Arizona, again, why they are not investigating these people.

It is such an inconvenience. It does not do anything but hurt the small guy, or small gas station owner, and it smells but there is nothing we can do about it right now, but I hope that our -- by these letters and the attention and the statements that we are making now, that it might wake up our legislators to push at a higher level. The pressure was probably on them, as it is to us, but it should be stopped. It is such an inconvenience, where they are going to have to go, and their excuse is, well, we don't fix it; well, you are making the person go all the way to Sheraden to get their car

checked, if there is a problem they have got to go back to another station.

So, it is such an inconvenience. Again, in the name of environmental and clean air, I think -- again, I would hate to try to build a factory or something now and try to get it done and create jobs. But, it smells but we have no choice.

The Chair:

Thank you. Mr. Ricciardi.

Mr. Ricciardi:

Thank you, Mr. President. All of my colleagues bring up some very good points and very interesting points, and obviously I see their positions.

The question is, do we continue to be bullied by the Federal Government mandates and by the bad decision our State Legislators made in the blanket vote that they gave which set up the eterne of this.

I myself -- and I am going to be very brief on this, I spoke to most of my colleagues. I myself believe that something can be done, and that is, if all local municipalities, all grass roots elected officials, such as ourselves here, in the City of Pittsburgh, in Wilkinsburg and in other small municipalities in these 25 counties, stand up and say "no" to sewage hook ups, stand up and say "no" to zoning approvals, stand up and say "no" to other incidentals that they could find in their code, maybe the state will have to sit back and say, well, it's not going to work, this alternative; it's not too late, we could still get the 900 million dollars of federal funds if we go to the two other alternatives. One being, the set up that is presently in state.

So, I respect my colleagues, I respect their votes, I understand their reasoning. I would like to stay consistent with my vote. I will be voting "no" today. I think all local municipalities throughout the state should give them the biggest hassle they can and hopefully stop as many as they can and let PennDot work with the State Legislators and say, well, this alternative that we've picked is not going to work, we better look at the other two. Thank you.

The Chair:

Thank you, Mr. Ricciardi.

I would like my comments brought forward from the meeting.

(REMARKS -- SEE ADDENDUM)

The Chair:

I obviously share some of Mr. Ricciardi's views and obviously all of my other colleagues. I like the notion of engaging in what would amount to be zoning and sewage approval gorilla warfare around this issue of Envirotest but I do not think that would be productive in the end. I think, unfortunately, as Mr. Hertzberg rightfully stated, the property in question is already zoned as a use by right for this particular activity. The only issue before us today really is legally, is it appropriate in terms of the amount of sewage affluent, and I do not think that has been established as a problem regarding the actual approval that is before this Council.

We do have the right, however, and I would never want to give up the right, where we do not automatically have to agree to sewage hook up. I mean if we have established that there is a problem, either in the amount of the affluent, or whatever the issues are environmentally, this Council retains the right to object and to vote "no" on whether or not we approve various sewage facility management plans.

The issue before us today, fundamentally, is an issue of our distaste, our distrust, our dissatisfaction, with this crazy system that the State Government has established, and that is these so called centralized testing facilities.

My understanding is, in the last week or so I have learned that the technology that is new amounts to about a $30,000.00 investment for a small business person. I am totally perplexed and cannot understand why, given that amount of investment, which I think a lot of small business people could make with some sacrifice and some assistance from the banking community. I think it would be very easy to have conveniently located testing centers, as Mr. Onorato stated, right down the street.

This battle is far from over because this battle has just begun. I predict the net effect of

these 86 centralized facilities, including only one being in the City, and we all know, when are people going to go get their testing. It is going to be all day Saturday into the Saturday evening. People have to work day and night, they need their automobiles.

So, it is going to be pandemonium all next year as it relates to the burden that is falling on drivers and automobile owners, and as others have stated, that burden and that frustration should not be directed to this Council, it should be directed to members of the State Senate and the State House of Representatives.

I also predict that -- and because there are other companies that have come into -- like Snap-On Tools, for instance, who has developed similar technology, that has been approved by the D.E.R., and their proposal is to have modular units, or units located at the various neighborhood gas stations or auto centers, whereby individuals can go through and get this appropriate passage.

I predict that in the end Envirotest is not going to be able to meet the demand. There is going to be such growing dissatisfaction that the state is going to have to break up that contract and allow others to provide.

And, I think we need to be there, as Mr. Onorato has stated, and I would ask that our resolution strongly suggest that other local vendors be allowed to meet the constraints of the EPA.

But, I also want to send a message, and maybe I part company a little bit, I do support the need for the emissions testing. I mean we have to protect the environment. We are ruining the environment. Over the last many decades we have built a system of highways as opposed to mass transit. We have not made the requirement that is necessary of the auto industry that we should. I think we all have a vested interest in protecting the environment and, unfortunately, that burden falls on us. But, it can be done in a low cost way, it can be done in a convenient way.

So, I do not want to pit the need for cleaner air with the chaos that we are expecting because of centralized emissions testing. I think we want clean air but we also want conveniently located emissions testing that is reasonably priced. I think we can have our cake and eat it, too.

I am voting "aye" as I did last week because of the constraints that Mr. Hertzberg talked about. This battle is not over, and I think Mr. Ricciardi is right, we can be the strong advocates and the local voices that are needed to begin to change this thing in the coming year, as the program is implemented.

Mr. O'Connor, you had your hand up.

Mr. O'Connor:

I was just thinking out loud a little bit. Is there another angle we can take, that this is a monopoly, and try to stop it that way? In other words, the inconvenience to the people of Pittsburgh with only one of these, is not fair?

The Chair:

Well, what we could do is, part of the resolution Mr. Onorato is talking about is ask our Law Department to review what potential legal avenues we can explore on behalf of the municipality, regarding the issue of EPA compliance, with the need for convenience and just the ability for people to meet the needs.

If there are not going to be any stations in our area, I could tell you right now, nobody in my Council District knows how to get to East Carnegie. I do. But, I will tell you what, 80 percent of the people do not know how to get to East Carnegie and some of the closer stations are neighborhoods away.

Mr. O'Connor:

I was going to vote for this but now I am having second thoughts, and Mr. Hertzberg, being an attorney, is there any way by delaying this, using it as a delay tactic, to be honest with you, and see what we can do as far as a monopoly and what is available to our small station owners, if there is anything we can do legally and use a legitimate reason, that we all said, it is very inconvenient for the people of Pittsburgh and these people have a monopoly, it started in Washington but why -- it has probably got to stop here. As Mr. Ricciardi said, if we don't stop it, where's it going to stop? Is there any way to hold it for -- I mean what can happen, our lawyer can spend a couple hours on

something while maybe we can come up with another angle.

Mr. Hertzberg:

I do not know whether the monopoly argument will get too far, but I know that the system is in place all over the country in a variety of other states, and I haven't heard of that kind of challenge being successful, I mean as far as any inconvenience. Although the facility would be the only one in the City, it would not be the only one in the region. So that if you are in the east, there is something else planned, I think, for the east, although not within the City confines, somewhere out there. And, if you are on the North Side, there might be something up north to the North Side. I am not sure of where all the facilities are located.

The Chair:

But, I think there is something inherently unfair. I mean depending on the zone, you have a lot of neighborhoods that cannot even accommodate this type of a facility. There are many neighborhoods that can accommodate a local gas station or a local auto repair center that could do this, but we do not have available land to be able to have them conveniently located, as opposed to open areas or suburban areas or even areas like East Carnegie that have some buildable sites. A lot of places in my Council District could not even accommodate this type of a facility because of the requirement that six lanes of traffic be there.

So, in a way there is, I think, at least some issue that could be raised possibly legally.

Mr. O'Connor:

I have a location in Hays, we have Hays Ammunition Plant, that we were trying to use. Can another person open one of these or does it have to be this guy?

The Chair:

It has to be Envirotest. I am sure if you have a facility, they'll be anxious to jump on it.

Mr. O'Connor:

Well, I have a location and I have a couple local gas station guys that will put one in. You know this is crazy.

The Chair:

Well, let's try to stick to the bill, and what is the pleasure of the body. Mr. Onorato, Mr. Cohen.

Mr. Onorato:

On the bill. Again, regardless of how this body votes today on this particular bill, my fear, when I was thinking about this over the last week is, even if this gets shot down today, they go right into court and they get the approval anyway, we still have to deal with the issue of what Councilman O'Connor brought up, and that is why I want to do this resolution, because we have the power to direct our Solicitor to do things, and if we want to have her look into the argument of what do we do about the local business establishments and we want competition to help file whatever necessary briefs there has to be filed, and if we feel that strongly.

I would rather take that route because I think you have an immediate -- a better immediate action, as opposed to saying, well, no, today, but it gets approved anyway and we'll lose time.

The Chair:

Just to cut in -- and excuse me, Mr. Cohen -- you are actually raising now another legal issue and the issue being, do we have better standing legally because we have this immediate case before us, as opposed to intervening and trying to get standing, independent of the fact that we have a specific resolution before us.

In other words, we have a bill before us, does that bill give us better legal standing in court to raise a number of the related concerns that we are raising, or your proposal is that we pass this and --

Mr. Onorato:

No, I am not proposing anything.

The Chair:

No, I am just saying that we try to independently intervene and I think we will have a harder issue of legal standing in order to get our foot in the door legally.

Mr. Onorato:

That is a question we have to ask the Solicitor, and I will be more than happy to find that answer out. We do not have to rush anything.

The Chair:

I know it is not going to please Mr. Hertzberg, but I would like to suggest that we possibly get a legal opinion, either from the Law Department or other independent legal counsel that we would secure and explore this issue prior to an absolutely final vote, and I know Mr. Hertzberg is growing frustrating with this process, but if there is any legal kernel that we could raise, and we have the legal standing because of the bill before us, I would like to suggest we do that.

Mr. Onorato:

Mr. President, if I could finish.

The Chair:

Mr. Onorato.

Mr. Onorato:

I talked to Mr. Hertzberg, and I think he made his point very clear. He is not happy with this system, he never endorsed it. He was looking at it from the point of view of what we are voting on and that is the hook up. So, I would second your motion that we hold this one day to get the legal opinion. I would like to address the Solicitor on this issue again of possibly do we lose our standing --

The Chair:

I understand.

I do not know that we can do it one day because I do not want to --

Mr. Onorato:

Well, I meant tomorrow, it is on the table.

The Chair:

Excuse me. Just in response.

I do not know that we only want to hear from our Law Department, who I think is already in support of this approval, I think we need independent legal counsel.

Mr. Onorato:

Well, let me rephrase what I meant. It will be up tomorrow. I meant we could recommit it and it will be on the table tomorrow, we could start the discussion, or --

The Chair:

The Chair cannot make a motion. What is the pleasure of the body?

Mr. Onorato:

I will make a motion to recommit till you get some of those questions answered.

MR. O'CONNOR seconded the motion.

The Chair:

Is there discussion on the motion for recommittal for the obvious purpose of exploring any potential legal options that we may have?

Any other discussion? All in favor? Opposed?

WHICH MOTION PREVAILED.

The Chair:

The bill is yet recommitted again.

Mr. Cohen.

Mr. Cohen:

Mr. President, I would encourage my colleague, Mr. Onorato, however, to go ahead with the resolution, I think we can still do that.

I support him wholeheartedly on it, and if he makes the motion I will second it.

Mr. Onorato:

At the end of the meeting. Do you want to do it at the end of the meeting, Mr. President, or right now?

The Chair:

Well, I think you can draft something with the Clerk's Office and we will vote on it next week.

We still have another bill yet in this Committee. Clerk, please read the bill.

Also, with an affirmative recommendation,

Bill No. 955

A Resolution entitled, "Resolution adopting Official Sewage Facilities Plan for the Kirby Plan of Subdivision, located at the end of San Pedro Place in Ross Township."

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Smith
Mr. O'Connor	Mr. Ferlo
	(Pres't)

AYES 8 NOES none

The bill having received the legally required number of votes passed finally.

MOTIONS AND RESOLUTIONS

The Chair:

We have the appointments to be dealt with because we will be interviewing them.

We need a motion to approve the Minutes.

MR. ONORATO moved to approve the Minutes of Tuesday, September 13, 1994.

MR. COHEN seconded the motion.

Which motion prevailed.

The Chair:

And, I would ask that this Council, immediately following this meeting, I am asking my colleagues to meet in an Executive Session with me on the issue of the Pirate lease. So, I need 15 minutes of your time.

And, also we need a motion to recess this meeting to deal with the bond issue -- excuse me.

Mr. Cusick:

Mr. President, before we do that, can we have some time to speak out on this matter?

The Chair:

Sure, Mr. Cusick, under Motions and Resolutions.

Mr. Cusick:

Thank you. As you know, yesterday we had a post agenda in regards to the Brookline landslide that is going on on Pioneer Avenue. I think it was very productive. I just wanted to thank members of Council that were able to attend that meeting, and thank you, Mr. President, for some of the ideas that you were able to give us.

I introduced the legislation committing $30,000.00 for the appropriate work that needed to be done to get the ball rolling here.

I also want to thank the Councilmembers that supported me in that effort, that will also allow the E & C to help us design the work.

My office is currently meeting with Director Birru in hopes that the URA may be able to offer some of the home owners on Pioneer an option on a second loan, where they -- if some day they would sell that home, they would then have to pay that loan off.

But, we have not yet found a source, a funding source, to build the wall that needs to be built. What I would like to ask is that, in a motion form, is I would like to ask that this Council -- I guess that I should mention that Mr. Onorato very much wants to be a part of this, and we would like to ask that this Council send a letter to several different individuals, Lieutenant Governor Mark Singel, United States Senator Harris Wofford, Congressman Bill Coyne, Senator Jack Wagner, State Representative Frank Gigolotti and to all of our County Commissioners, to come out and take a look at this site, along with this body, because I believe this is going to be a serious problem. It is a serious problem now, but as we have some of these hard winters, each year, which seems to be an ongoing problem, that we need to work together to find out if there are any funding sources in the federal or state governments that will help us help these individuals get over the situation that they are currently in.

But, not only that, we need to set some type of program up for people that are in such situations that are going on now. I mean just recently we gave some monies to help out some of the residents on the North Side on Voskamp Street, some years ago, Bryn Mawr Street. I am sure you are all aware of those.

I really believe, looking at the terrain here in Pittsburgh and taking into consideration the number of mines all over the City of Pittsburgh, we really need to start setting up some type of fund to help these people, these individuals that are being plagued by these problems on their properties.

And, so, in a motion form, that we send a letter to these individuals asking for them to come out and visit this site, but not only that, sit down with us and discuss some type of funding sources.

MR. ONORATO seconded the motion.

The Chair:

It has been moved and seconded. All in favor?

WHICH MOTION PREVAILED.

The Chair:

Mr. Ricciardi, Mr. Onorato and Mr. --

Mr. Ricciardi:

I just want to say, I support Mr. Cusick's initiative in helping these six residents. He continues to help his constituents even though it is a very small number, and I support that.

I just want to make sure the letter also goes -- in the motion -- to Senator Specter, who has been a very big help here in the City of Pittsburgh and has helped me on several projects in my district. I think that we inadvertently missed his name, Mr. Cusick. Thank you.

The Chair:

Thank you very much. Mr. Onorato.

Mr. Onorato:

On the same issue. I just want to clarify one point. This body did allocate money for the Voskamp property for a consulting study, and I think that is what Councilman Cusick is asking for Brookline.

We have been meeting, Councilman Cusick and I, with the Administration, and the Brookline -- I mean Pioneer Avenue in Brookline,

those people are watching their life savings disappear every day, go down that hillside. We hear that we possibly do not have any legal obligation, but we definitely have a moral obligation. I find it ironic, if it was 200 homes falling off the hillside, you would have every agency, from the federal bureaucracy down to our local level, probably helping with money, state federal, but because it is only four up there, or six, and two on the North Side, nobody wakes up. I think that we have to develop a plan, because what happens in this type of area, where there are a lot of old coal mines and there are a lot of hills, that it does not happen at 200 at a time but you might have two to 500 over a ten-year period, and we have to deal with that issue. Any time there is a major catastrophe across the country, hurricanes, flooding, the Federal Government moves in immediately. The only difference here is we have got six homes instead of 6,000, and I think that these people deserve the same help from the Federal and State Governments that the other people receive when it is a large scale, and I think our job as a municipality is to hold their hand through this process and bring in the appropriate agencies. We do not have to be dishing out the money, obviously we do not have it, and we probably are not legally required to do it but we are morally required to do it, and I will be working with Councilman Cusick and the Mayor's Office to make sure that these people get heard and we direct them in the right direction, until something happens.

The Chair:

Thank you, Mr. Onorato. Other comments?

Again, now we have an Executive Session Meeting on the Pirate Lease, it will be very brief.

And, at this time I would like to ask the body to entertain a motion to recess this meeting. Would someone. Mr. Ricciardi.

MR. RICCIARDI moved to recess and meet again on Wednesday, September 21, 1994 immediately following Council's Standing Committee Session.

MR. ONORATO seconded the motion.

Which motion prevailed.

And on the motion of **MR. RICCIARDI**

Council recessed.

Pittsburgh, PA
Wednesday, September 21, 1994

And the hour of recess having expired, Council reconvened.

The Chair:

I would like to suggest that the immediate order of business be Reports of Committees, but in addition to the Bill 960 on the Finance regarding the bond issue, I would like to suggest we move on the appointments that we had this morning, as well we have another matter regarding introduction of a resolution in order for Council to comply with the time table that we desire, regarding the Cable, TCI rate review.

MOTIONS AND RESOLUTIONS

The Chair:

So, the first order of business -- actually I would like to make a motion to introduce.

THE CHAIR PRESENTS

No. 1036 Resolution Providing for the Tolling of the Deadline for Reviewing the Rate Filings of TCI of Pennsylvania, Incorporated, for Basic Service, Installation and Equipment and Extending the Deadline to December 21, 1994.

Which was read.

The Chair:

You have it before you. The effect of this would be to extend the deadline an additional period to allow us the formal evidentiary hearing, and I would like to suggest we introduce and actually vote on this today.

Mr. Onorato:

So moved.

MR. COHEN seconded the motion.

The Chair:

Any discussion on that? We have others here. We do not usually allow directors to discuss during the Legislative Session, but if there are any particular questions? If not, I would like to make a motion that this be approved and take a roll call vote on this.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Smith
Mr. O'Connor	Mr. Ferlo (Pres't)

AYES 8 NOES none

The resolution having received the legally required number of votes passed finally.

The Chair:

The resolution having received the legally required number of votes is adopted by this Legislative body.

REPORTS OF COMMITTEES

The Chair:

On the Reports of Committees, I would like to ask the City Clerk to read the Report of Finance under Mr. Onorato, Bill 960.

MR. ONORATO PRESENTED

Bill No. 1035

Report of the Committee on Finance for September 21, 1994, transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 960

A Resolution entitled, "Resolution incurring lease rental debt in an aggregate principal amount not to exceed Six Million Eight Hundred Ten Thousand Dollars ($6,810,000) by entering into supporting agreements with the Public Auditorium Authority of Pittsburgh and Allegheny County."—**(AS AMENDED)**

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Mr. Cohen:

Mr. Cohen:

Thank you, Mr. President. I would just like my comments brought forward, not only from this meeting but the prior meeting, related to the division of the City and the County on this bond issue.

The Chair:

Could we have all comments brought forward from our colleagues last week and this week relative to this bill, including myself, Mr. Onorato and others.

(REMARKS -- SEE ADDENDUM)

The Chair:

Any other discussion relative to the bond issue? Mr. O'Connor, do you have any comments or concerns?

Mr. O'Connor:

No, I really, again, want to mention that the -- nine million of that is being paid for by the Penguins. So, I think it is very important the tax payers are not really subsidizing all the improvements for the stadium, and when you look around other arenas and stadiums, the tax payers have to do everything almost. So, I think it is in the best benefit of the residents of the City and it will come back to us in the form of ticket sales and an enhanced arena.

The Chair:

Thank you. Hearing no other discussion, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Smith
Mr. O'Connor	

AYES 7 NOES 1

(MR. FERLO, PRES'T, VOTING NO)

The bill having received the legally required number of votes passed finally.

UNFINISHED BUSINESS

The Chair:

I would like to ask the City Clerk, if it is the pleasure of the body, to read the appointments that we interviewed this morning, so that we can expedite the individuals to serve on Planning Commission, Water and Sewer. Is there any objection to voting on this now?

Mr. Hertzberg:

No objection.

The Chair:

City Clerk.

THE CHAIR PRESENTS

No. 1026 Resolution appointing CYNTHIA T. ESSER, 1122 East Carson Street, Pittsburgh, PA 15203, as a Member of the CITY OF PITTSBURGH'S PLANNING COMMISSION, with a term to expire September 30, 2000.

Which was read.

Also,

No. 1028 Resolution appointing ROBERT PROVOLT, SR., 540 Lovelace Street, Pittsburgh, PA 15220, as a Member of the CITY OF PITTSBURGH'S WATER AND SEWER AUTHORITY, with a term to expire January 1995.

Which was read.

Also,

No. 1029 Resolution appointing CLIFF MERKELL, 1100 Liberty Avenue, Pittsburgh, PA 15222, as a Member of the CITY OF PITTSBURGH'S WATER AND SEWER AUTHORITY, with a term to expire January 1998.

Which was read.

The Chair:

You have heard the reading of the appointments, is there any discussion? Councilman Ricciardi.

Mr. Ricciardi:

On Cindy Esser, I am very excited about that appointment, I think it is good balance in terms of geography, and I really commend Mayor Murphy for that.

But, more important than geography, is just the person being appointed, obviously for her track record on the South Side. So, I am going to support.

Also, I am very pleased with the nominations to the Pittsburgh Water and Sewer Authority, Mr. Provolt and Merkell. The reason for that is they both bring their particular skills to the Water and Sewer Authority, that is, Mr. Merkell will be able to help us with our financing and Mr. Provolt will be able to help us with our construction program, something that we have been lacking in the past. Even though we do our very best to monitor our contractors, sometimes

you really need the expertise of someone such as Mr. Provolt; he comes highly recommended, not only by the Administration but by Mr. Hertzberg, and I am in full support of that appointment.

The Chair:

Thank you very much. Mr. Cohen.

Mr. Cohen:

Thank you, Mr. President. I also support the Water and Sewer Authority appointments.

I want to say something in particular about Cindy Esser. She I think is a terrific choice to the Planning Commission; I commend the Mayor on the appointment. As Chair of the South Side Local Development Corporation, she certainly has a great deal of community experience and I think will be a terrific asset to the Planning Commission.

The Chair:

Thank you very much. Other comments?

I would like my comments brought forward on the appointment of Mr. Merkell and Ms. Esser , also.

(REMARKS -- SEE ADDENDUM)

The Chair:

Any other discussion? Mr. Cusick.

Mr. Cusick:

I would just like for my comments to be brought forward.

(REMARKS -- SEE ADDENDUM)

The Chair:

Hearing no other discussion, the appointments are up for final approval. All in favor of the passage and acceptance of the appointments will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Smith
Mr. O'Connor	Mr. Ferlo (Pres't)

AYES 8 NOES none

(MR. FERLO, PRES'T, VOTING NO TO BILL NO. 1029)

The appointments having received the legally required number of votes are passed finally.

The Chair:

Are there any other matters under Motions and Resolutions to bring before this body?

Hearing none, I would entertain at this time a motion to adjourn this Legislative Session.

And on the motion of **Mr. Onorato**

Council adjourned.

(MR. COHEN'S COMMENTS ON BILL NO. 761)
(Wednesday, 9/14/94)

Mr. Cohen:

Mr. Chairman. I don't have any questions. I just want to briefly describe this.

We had a public hearing on this last week. This is for a rezoning at 731 Copeland to rezone from "R4" residential to "A1", which is both a commercial and residential zoning classification. Normally I would be very hesitant to rezone from residential to anything that has even a commercial aspect to it as "A1" does, but as I explained at the public hearing, in this case this particular property was commercial for many years, it also is in a portion of Copeland Street in Shadyside that really is commercial right now. It is next to the Arabica Cafe and it is across the street from the Pittsburgh Deli Company.

Also after negotiating with the owners here, I found them to be very responsible owners, the Masers, and they have agreed to a restrictive covenant which they had their attorney draft after I negotiated with the Masers, particularly Brenda Maser, to have a restrictive covenant. In that they agreed to not have this property be a restaurant or a banquet hall or a theater, and also not to seek any height exceptions so that the height of the property would be higher than the homes that are near it. And at the public hearing Miss Maser came and explained this. I have handed out a draft of the document that we negotiated to all of Council. It is supposed to be signed and sealed by the final vote, and I would ask that Council support this resolution.

Also I just want to say for the record that we are voting on this in reliance on this Declaration of Restrictive Covenants. I would ask that Council approve this bill.

(END OF REMARKS.)
Transcribed by: Helen L. Kriebel
Stenotype Reporter

???

MASER GALLERIES P.01

FAX COVER SHEET

MASER
galleries
5427 WALNUT STREET
PITTSBURGH, PA 15232
USA

SEP 1 6 19--

- DATE: 9/16/94
- TO: DAN COHEN FAX 255-2621
- FROM: BRENDA MASER
- NUMBER OF PAGES (INCLUDING COVER SHEET) 4
- IF YOU DO NOT RECEIVE ALL PAGES
 PLEASE CALL _____ AT 412 • 687 • 0885
 THANK YOU.
- OUR FAX NUMBER IS 412 • 687 • 1284

Dear Mr. Cohen,

Here is a copy of the signed and notarized deed covenants. Mr. Ferguson is supposed to get back to me to make arrangements to have this recorded. I'll take care of that this coming week. Helen Campenfeld stopped in to tell me she watched the council vote on T.V. Again I appreciate your help and the time you devoted to this matter.

Sincerely,
Brenda Maser

DECLARATION OF RESTRICTIVE COVENANTS

THIS DECLARATION, made this 15 day of SEPT., 1994, by RONALD E. MASER and BRENDA S. MASER, husband and wife (hereinafter called the "Declarants").

ARTICLE I

DEFINITIONS

The words used to describe uses and structures set forth in Article III of this Declaration shall have the same meaning as those same terms insofar as they are or shall be defined in the Pittsburgh Code of Ordinances, Title 9 - Zoning, Article I, Chapter 903 - Definitions.

ARTICLE II

PROPERTY SUBJECT TO THIS DECLARATION

The real property which is and shall be held, transferred, sold, conveyed and occupied subject to this Declaration is:

> ALL that certain lot or piece of ground situate in the 7th (formerly 20th) Ward of the City of Pittsburgh, County of Allegheny and Commonwealth of Pennsylvania.
>
> BEING designated as Block 52-D, Lot No. 256, in the Deed Registry Office of Allegheny County.
>
> HAVING erected thereon a 2½-story brick dwelling known and numbered as 731 Copeland Street.
>
> BEING the same premises which Charles A. Patterson, II and Cheryl Ritts Patterson, his wife, by Deed dated May 1, 1989 and recorded in the Recorder's Office of Allegheny County in Deed Book Volume 8007, page 367, granted and conveyed unto Ronald E. Maser and Brenda S. Maser, husband and wife, Declarants herein.

ARTICLE III

RESTRICTIVE COVENANTS

The real property described in Article II is and shall be held, transferred, sold, conveyed and occupied subject to the restrictive covenants hereinafter set forth. The real property described in Article II is not and shall not be used by Declarants, their heirs, successors or assigns, for any of the following uses or structures:

1. A public utility structure, facility and installation for electricity, gas, oil, steam, telegraph, telephone (including telephone exchange building) and water;

2. A bus shelter;

3. A government use or structure (Federal, State or local, other than housing), or unit group building thereof, including uses and structures owned or operated by a public authority or the Board of Education;

4. A mass transportation company right-of-way and trackage, except railroads, including private off-street turn-around and layover areas for mass transit vehicles with accessory poles and overhead wires, signal or other operating devices, shelters and comfort stations incident to the use thereof, and headquarters for operating and maintenance employees;

5. Banquet hall.

6. Restaurant.

7. Theatre.

Neither shall there be any exceptions to the height regulations of the zoning district in which the above-described real property is located.

IN WITNESS WHEREOF, Declarants, Ronald E. Maser and Brenda S. Maser, being the Declarants herein, have caused these presents to be signed in their name as of the day and year first hereinabove written.

WITNESS:

DECLARANTS:

1314 Ronald E. Maser

Witness

Witness

Ronald E. Maser

Brenda S. Maser

* * * * * * * * * * * * *

COMMONWEALTH OF PENNSYLVANIA)
) SS:
COUNTY OF ALLEGHENY)

On this, the 15 day of SEPTEMBER, 1994, before me, the undersigned officer, personally appeared RONALD E. MASER and BRENDA S. MASER, and acknowledged that they executed the foregoing instrument for the purposes therein contained by signing their names.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Notary Public

MY COMMISSION EXPIRES: May 9, 1998

Notarial Seal
Annetta D. Patterson, Notary Public
Pittsburgh, Allegheny County
My Commission Expires May 9, 1998
Member, Pennsylvania Association of Notaries

3

(BEGINNING - MR. FERLO'S COMMENTS ON BILL NO. 793, WEDNESDAY, SEPTEMBER 14, 1994)

Mr. Ferlo:

Technically what is before us is whether or not this Council is going to approve an official sewage plan for a particular facility. There is nothing before Council -- I am dealing more with legalese here and less about the policy issues which I agree with Mr. Onorato. If I were a state legislator I would have voted for maintaining the system of service stations that we have and letting them do this work somehow. That didn't happen by the State Legislature, I personally don't agree with that but the real issue before this Council is whether or not we will approve the official sewage plan for this construction.

As Mr. Hertzberg already stated, the particular nature of the construction of this facility is a use by right in that particular zone so even relative to our zoning approval there's really nothing before this Council at this time. If it were another facility like the problem I had in Lawrenceville where it involved rezoning of the property, it would have come to this Council and I would express my opposition and I was successful in helping to block but the real issue before us and I would love to debate the whole issue of the EPA and what the actions of the Allegheny County delegation were but I guess legally that's not technically the issue before this Council and rather than have a lengthy debate I think we should vote this up or down again and move. I think it is substantive when and here in this city we disproportionately benefit because of the large number of bridges from the $900 million of money so there is a lot at stake here and if you want to philosophically make the statement that we're upset with the State Legislature we don't like the system they define then maybe you could just vote no as I think really expresses what Mr. Ricciardi was talking about yesterday but I think we're going to have a two-hour discussion here and it's really out of the purview of what is before us.

The Chair:

Let me just asking something directly on the bill. If this thing doesn't pass what happens Director?

Mr. Ferlo:

A point of order on this. As part of the legalese I'm raising we clearly would be in court tomorrow and I think very clearly the Court would order this Council to approve the sewage plan because it is a use by right and there's no community group or adjoining property owner opposing it so even if there were some zoning impact issue that one could extrapolate, that's not even here and I think other than delaying it and causing the Law

Department a lot of work, legally we're completely out of any ability to vote no on this in terms of the issue whether or not we like or dislike the emissions testing standard program. So I think we need to clarify what the actual bill is before us. I respect the fact that someone would vote no to send a message that they don't want to be in the chain of vote to even have anything to do with this as Mr. Ricciardi's position is and I respect that, but I personally feel that way but let's move on with this and this is really not a part of the debate that we have.

(END OF COMMENTS)
PREPARED BY: MARY ANNE HRUSKA
STENOTYPE REPORTER

(BEGINNING - COUNCILMEMBERS' COMMENTS ON BILL NO. 960, WEDNESDAY, SEPTEMBER 14, 1994)

Mr. O'Connor:

This is a City/County venture but also it includes the Penguins. Mr. Hennigan, if you want to explain this because it's a very complex issue and I believe only $3.2 million is actually going to the Auditorium and $8.7 million is going to improvements that the Penguins are going to pay for. I'd like him to explain it so it is much more clear.

Mr. Hennigan:

That is accurate. There are two components to this issue. One is a component that will provide improvements to the Civic Arena funded by the Auditorium Authority and the City and the County will jointly share in the debt service payment for that component of this transaction. The other component of the transaction are improvements to the Civic Arena that the Penguins would like to make and they will also pay for the debt service for that component of the transaction. Because we have the Penguins as well as government entities participating in this transaction, we have separated it into two distinct components: Series A which is a tax-exempt issue and Series B which is taxable.

Ms. Billak:

What I'd like to say is in front of you I think we've now handed out so that everyone should have an overview of the transaction as it is proposed and if you'd look at that which Paul described, in Series A what we're going to do is improvements to the auditorium itself which will be financed in part by the City and the County through a joint agreement and then Series B which is the taxable port of the bond issue and that would be improvements that relate to the Penguins and those would be reimbursed by the Penguins, the debt service payments on those. Under those we have project costs on Series A of $3.257 million, Series B of $8.757 million. What we've done between these two issues is prorated the cost of issuance. What you'll see is there is no capitalized interest on this issue. We have a debt service reserve fund only as it relates to the taxable portion, the portion that is going to be paid by the Penguins. That initial deposit will be $1.215 million. We have the insurance premium again allocated between the two issues, the Series A and the Series B. Underwriters discount the cost of structuring the transaction and selling the bonds and again what we've done through the whole transaction is just allocated those. Cost of issuance again is $19,000.00 and it will be attributable to Series A and 59 to B and then rounding is simply the fact that bonds are sold in $5,000.00 increments, so we've

got a component there we need to just allocate between the two series. Total would be predicated upon today's interest rate; $3.325 million for the Series A and $10.185 million for Series B for a total issue for the Auditorium Authority of $13.510 million.

If we can go through this maybe it would be helpful. The second page is a graphic description -- if you have any questions please don't hesitate to ask.

Mr. Cohen:

What the difference between $13.510 and $14.050 which is total aggregate amount in our bill?

Ms. Billak:

I think that's simply an estimate that we had incorporated and we increased the amount.

Mr. Cohen:

So $13.510 is the real number now.

Ms. Billak:

That is the real number. What I would as a point reference -- this might change slightly. The debt service reserve is funded at maximum annual debt service. So if the interest rates on the bonds would increase, I mean, we have proposed interest rates as of today. If for some reason during the next week we would have some disruption in the market interest rates would increase, the debt service reserve component is a variable and it could increase slightly. Likewise, costs that are allocable on a per bond basis might increase too so you might have a slight variation in the principle amount of those bonds.

Mr. Hertzberg:

So we might need to approve it for that.

Ms. Billak:

Right, and I think that's the idea behind the slighter larger amount. We would have a final number to you next week.

The Chair:

If I can jump in here, the Director informed me earlier today that they are going to ask for a hold today. They wanted to have it open for discussion and it will be held and hopefully

shoot for a final vote on Wednesday so that we could possibly recess the Tuesday meeting and then have the final vote on Tuesday.

Mr. Hennigan:

That's correct.

Mr. Cohen:

Thank you.

Ms. Billak:

If we go to the second page, this reflects the debt service on those two issues. The structure proposed for the County and City supported portion the Series A is essentially level debt that would mature in 2016. The debt service on the Penguins' portion, the Series B which is the taxable debt, is a constant principle payment so what we have is declining debt service over the life of the issue.

The next chart you have in front of you is basically indications of where interest rates are both on a taxable and tax-exempt basis over the past year and it is for your own edification for where rates have been. We have been in a rising interest rate environment and it seems to have leveled out somewhat but we still see spikes up and down on a weekly basis.

The next page is the cost of issuance details. Those are the costs associated with the bond issue and that's essentially what we have in front of us right now in terms of the overview of the issue. What we also have and like to hand out right now is the detailed debt service schedules that are related to this issue so if you have any questions.

The Chair:

Questions?

Mr. O'Connor:

What you passed out, let me see if my colleagues are getting this. If you look at Page Two, it is a total breakdown of everything being done as far as ADA improvements, cleaning the dome, new escalators sound systems, dome lighting, parking lot improvements, new elevators, control room, so that is what the auditorium is paying for and the City and County would pay for. The other $8.7 million is going to be paid by the Penguins and that's new press boxes, club seating, video replay board, Hall of Fame, control room and some new super boxes and a silver circle seating so all these improvements are being made by the

Penguins. One question we may ask especially with sports teams being so vulnerable, how long of a lease do we have with the Penguins now?

Ms. Billak:

The agreement that's in place right now with SMG extends options have been exercised through 2007. They have 14 additional five year options to extend beyond that period so that the current lease is in place through 2007.

Mr. O'Connor:

So we only have them tied up for another ten years.

Ms. Billak:

That's correct. What we would envision in the bond transaction is that there would be a provision in the supporting agreements between yourselves and the Penguins that in the event that those leases were not extended that the City and County through the Auditorium Authority could affect an acceleration of that debt if they so chose.

Mr. O'Connor:

When will this debt be paid by the Penguins?

Ms. Billak:

The final maturity is 2019.

Mr. O'Connor:

What happens now if they don't stay and kick in their optional or for whatever reason two years from now something goes wrong and they would leave or whatever, what happens?

Ms. Billak:

They would be responsible for repayment on the debt whether they were there or not. Where we are is that they have a specific revenue pledge that's going to be directed to the Auditorium Authority for all the revenues that relate to the improvements that are going to be undertaken with these bond financings.

Mr. O'Connor:

If this team were sold or moved, do we have first right like a lien?

Ms. Billak:

We would have a first lien position on all revenues.

Mr. Rumin:

Right now the proposal is that we would have a first lien on the revenues from these various improvements from the Penguins and from the entity so if they tried to sell the entity we would still hold them to the revenues.

Mr. Hertzberg:

What is the insurance premium, does that cover default?

Ms. Billak:

Yes. The insurance premium covers the default of the bonds. However, there is a guarantee in place of the City and the County on that debt.

Mr. Hertzberg:

Whose default is it? Ours or Penguins or both?

Mr. O'Connor:

Does it only cover the $3 million or does it cover the whole $13 million?

Ms. Billak:

Actually the $13 million.

Mr. O'Connor:

So besides the Penguin guarantee we have insurance.

Ms. Billak:

Right, but the insurance is predicated upon your ability to pay and not the Penguins.

Mr. O'Connor:

When does the insurance kick in? If we go broke --

Ms. Billak:

-- you would default.

Mr. O'Connor:

How much are we paying for that insurance?

Ms. Billak:

You're paying about 23 basis points, about $63,000.00 total.

Mr. O'Connor:

Is that a must, is that a good insurance to buy?

Mr. Hennigan:

The City and County agreed that it would be a wise move for this transaction.

Mr. Hertzberg:

That is the beneficiary that are the bond holders.

Ms. Jad:

And the theory is that you're saving money by spending that money because once you have bond insurance they are selling as Triple A bonds and that interest rate is lower than Single A or Double A bonds so you're saving money by spending that money. In fact, that is a requirement under the Internal Revenue Code. You rightfully shouldn't go out and obtain that insurance unless you're saving money by doing it.

Mr. O'Connor:

We are saving money.

Ms. Jad:

Yes.

Mr. Cohen:

One the the things I'm confused about, are the Penguins obligated to pay the whole $8.7 million or the debt service on that? In fact all of this is debt makes me think that it's probably the whole thing.

Ms. Billak:

Yes. It's the $8 million plus the interest that accrues on that so the total debt service on the Series B bonds is $21.309 So they are obligated to pay that entire amount.

Mr. Cohen:

So when you're saying debt service on it you mean that entire amount.

Mr. Rumin:

Yes.

Mr. Cohen:

The same question that we asked Mark Schneider from the Stadium Authority, the Regional Assets District. I assume that no money is available from the Regional Assets District this year for these improvements either or are you not in a position to speak to that?

Mr. Hennigan:

This transaction is being done aside from any participation whatsoever by whatever entity it would be that would pursue funding through the Regional Asset District.

Mr. Cohen:

Does the Civic Arena have a presentation scheduled before the RAD, do you know?

Mr. Hennigan:

I don't know.

Mr. O'Connor:

I believe they are working on one but it hasn't been presented to the Board yet.

Mr. Cohen:

Thank you.

Mr. Ferlo:

Is this a negotiated deal or competitive?

Ms. Billak:

Negotiated.

Mr. Ferlo:

Whose decision was that?

Mr. Hennigan:

That was a decision made by the Auditorium Authority.

Mr. Ferlo:

What was the Administration's position relative to that?

Mr. Hennigan:

Given the understanding of the transaction --

Mr. Ferlo:

-- what is so complicated at this?

Mr. Hennigan:

There are two components to the transaction, one is taxable and one is not and just the number of entities that are working together to complete this transaction, it would be very difficult to hold underwriters.

Mr. Ferlo:

How does the proposed thing that is before us today, what does it relate to or impact the relative to the City's operating budget debt service if any?

Mr. Hennigan:

The debt service required by the City annually would be in the area of $140,000.00.

Mr. Ferlo:

Is that above and beyond what we currently have in debt service? What is that total?

Mr. Hennigan:

For the Auditorium Authority?

Mr. Ferlo:

Are we adding 140 to the existing debt service and if so what is that amount?

Mr. Hennigan:

It's in the area of $1.2 million.

Mr. Ferlo:

What is the term for that?

Mr. Hennigan:

There are various issues involved in that and I don't have that documentation.

Mr. Ferlo:

I am trying to get a sense of what our over all debt service is, what this adds to it and what the term of that is.

Mr. Hennigan:

Next year we would be paying in the area of $1.350 million.

Mr. Ferlo:

Could you review with us or present us with the legal language that explains the earlier issue about -- the term here is from 2016 to 2019, the Penguin part being the 2019 if I understand it, the year. And how does it relate to the lease that the Penguins have? I want to see the language that says we're held harmless and they're responsible for the debt past the time of their lease which ends 2010.

Ms. Billak:

Their lease currently ends at 2007.

Mr. Ferlo:

Where is the language that says it protects the municipality?

Ms. Billak:

That language is being drafted.

Mr. Ferlo:

When will you have that ready? Could you review that with this Council please?

Mr. Rumin:

I don't have it with me right now.

Mr. Ferlo:

Can you present that to us prior to a vote on this? What does this issue do relative to refinancing if any of existing debt? Do we have existing debt that is at a lower or higher interest rate? And if it's lower then why are we refinancing a larger amount of money than we're doing here? Was that an issue you had reviewed?

Ms. Billak:

There are three issues outstanding 78, 85 or 91. We looked at that briefly but were basically directed that we should proceed with this new money component. I think the 85 and 91 --

Mr. Ferlo:

-- some of that debt if I remember and I don't know that I was here but it seems to be at a period when it was a very high interest rate. What was that interest rate relative to what we would reasonably consider an interest rate debt now and if it's low enough and cost effective whether or not there shouldn't be a larger issue and refinance old debt. Obviously someone needs to sit down with a calculator and figure it out. Did you go through the exercise or who went through the exercise to figure out whether or not it would be appropriate? Did you go through that exercise?

Ms. Billak:

We look at some of the debt and basically we were advised that we should just focus on --

Mr. Ferlo:

-- you mean as a matter of policy or somebody figured out the arithmetic?

Mr. Hennigan:

As a matter of policy from the Auditorium Authority they indicated to us in the interest of time that they would like for the entity to go through with this issue and then we will consider refinancing options for the next issue whenever that may be.

Mr. Ferlo:

Why spend all of this money on these consultants and then go through it again? If we're going to go through this somebody should have -- as part of due diligence I think there should have been an appraisal of what those costs are and whether or

not refinancing older debt at a higher interest rate is appropriate. It may be that the cost savings don't warrant that issue but it's an exercise that I think from a fiduciary point of view somebody should have gone through.

Mr. Hennigan:

Our preliminary analysis had shown --

Mr. Ferlo:

-- I don't mind keeping these folks gainfully employed but it seems like that's all we do around here.

Mr. Hennigan:

The preliminary analysis that was done did not show a huge benefit --

Mr. Ferlo:

-- do you have a copy of that analysis?

Mr. Hennigan:

No, I don't but I will be happy to provide it to you.

Mr. Ferlo:

On the specific expenditures to be made on parking lot improvements, are we talking about the parking lot above the Arena?

Mr. Hennigan:

We can ask the Penguins for that or the Auditorium Authority.

Mr. Ferlo:

My specific question -- I recognize we have responsibility first to the building itself and to the immediate property around it in terms of improvements. There are two issues I have. One is, we have a multi-million dollar investment in Crawford-Roberts and I'm wondering whether or not there couldn't be any funds dedicated to some sight improvements to the parking lot especially along Crawford. Right now we have an ugly cyclone fence, is there any way we can either do some decorative fencing or some kind of landscaping? I mean, we have a major investment in the housing community above the Arena now and it's true that they do have the benefit of looking over the city but the corridor along Crawford can be greatly improved and I'm

wondering are any of these dollars targeted or could they be targeted to do something with the property line along the parking lot including the condition of the parking lot itself; is it all asphalt as this point?.

Mr. Kiesel:

There are plans to repave some of the areas in the lots. They are all presently paved and some of them are in better shape than others. There were no plans to put any kind of fencing or any kind of soft structure up to separate the parking lots from the housing. It was basically done to make the lots operate more efficiently for the patrons.

Mr. Ferlo:

You're talking about the entrance in and out of the lots themselves?

Mr. Kiesel:

Yes.

Mr. Ferlo:

Could we ask that you at least review this issue with the community and maybe there could be some portion of these funds dedicated to some improvements? I mean, we have a major investment there and I think it would help improve the aesthetics of the area across from Crawford-Roberts.

Mr. Ferlo:

What about the issue and I have raised this in the past only to get some temporary asphalt patch and concrete which we do but we don't allow anybody else to do in the city. If you walk to the Arena from town which is a large portion of people going to the games you see walking through town, the condition of the concrete ramps approaching The Arena are unsafe and dangerous and I'm wondering, it's not directly on the Arena property but is there anything we can do to adequately restore the concrete areas?

Mr. Kiesel:

Off the Arena premises?

Mr. Ferlo:

It's not part of the Arena property but it is amazing we haven't gotten more lawsuits. I don't know if you've ever walked to the Arena from town but it's very dangerous and the

City intervened a couple years ago and did some asphalt when we complained but it's horrendous. It's unsafe and it is not conducive to anybody who's in a wheelchair let alone people who have a hard time walking. I mean, if we are going to clean up the Arena let's try to deal with some of the issues that concern people.

Mr. Kiesel:

We did a lot of ADA paving and what not in the last few years outside the Arena property and did work on the sidewalks etc. We'd be happy to review the whole area and at least be able to identify --

Mr. Ferlo:

I'm talking about the corridor from the hotel going up to the Arena.

I would ask that you work with Public Works and E & C and see whether or not we can make some changes. Are any of these funds -- it seems like we have this great dome but nobody ever uses it. Many, many years ago I can remember going to a couple Easter sunrise services there but is there anything that could be done with these funds to make it a little more cost effective for groups that want to actually open up the dome and use it?

Mr. O'Connor:

Could I ask Mr. Don Patton to come up.

Mr. Patton:

Unfortunately our message hasn't gotten out. We held 25 summer events at the Civic Arena this summer featuring roller hockey and indoor soccer and at the majority of those games the dome was opened and it was a thrill.

Mr. Ferlo:

I plead ignorance. I haven't seen the dome opened in years.

Mr. Cohen:

If I may ask because I went to one event and it was opened but it was opened the smallest sliver. At those events was the roof opened more than a sliver?

Mr. Patton:

The sliver you're referring to is one-quarter of the roof. Now the reason that occurs is the television lights currently hung from the roof impede the ability to open it beyond that. One of the proposals as part of the Public Auditorium Authority's request is the lighting in the dome and if that takes place our ability to open the dome will be greatly enhanced because those lights that cause the cost to be removed will be taken down and we will be replaced with alternate lighting to provide television. That is part of the Auditorium Authority's package.

Mr. Cohen:

When I saw it, it was not one quarter but nevertheless if that's part of this package that would be great.

Mr. Patton:

That's part of our package and part of what we're doing with our video scoreboard is ensuring it is going to be much heavier than the existing scoreboard. We are making sure that nothing we do there will prevent the ability of this dome to be opened for summer events and things like that because we agree it is a fantastic resource of the city.

Mr. Cohen:

If we are really competing with Star Lake in the summer, that's one of the benefits that we should really hang onto.

Mr. Patton:

We agree.

Mr. Ferlo:

Last question. Just getting back to the debt service. What is the County's share of additional debt service? You mentioned ours is $140,000.00 on top of the $1.2 million that we have currently. What is the County?

Ms. Billak:

There's would be $140,000.00 also. You share equally.

Mr. Ferlo:

Why does it have to be equal? The one reservation I have and I applaud the Penguins organization, I think they have done a heckuva job in the operation and management of this facility

along with the Public Auditorium Authority and I'm very concerned that we work cooperatively with them and not send any wrong message but at the same time just in terms of the equity here, the vision of responsibility for debt service, we're doing this at the same time come January 1 that we are going to lose five percent income off the amusement tax and I'm wondering why does it have to be 50/50?

Mr. Hennigan:

That is based on the support agreement between the City and the County and the Auditorium Authority.

Mr. Ferlo:

Why not 80/20? Is there any way for us to recoup this from the RAD or not?

Mr. Hennigan:

Not from the RAD.

Mr. Ferlo:

So we lose five percent income on amusement tax and now we're increasing the debt.

Mr. Hennigan:

However, one thing that is occurring is that Mr. Sirabella has been in negotiations with the County on the use of the hotel/motel tax and we do have a preliminary agreement with the County that the City's portion of this debt service will be paid by the hotel/motel tax.

The Chair:

Let me get into some of the bond questions too. First of all I'm still not convinced that this should have been negotiated and it's twice now with two different authorities and it's something that I think has come up and we have to deal with in the future. We're too far along right now to deal with this particular bond. Real quick, give me the update of how the Auditorium Authority Board is made up again.

Mr. Kiesel:

There are five members, two are appointed by the City, two are appointed by the County Commissioners and one is a mutually agreeable board member.

The Chair:

Okay. And the Board decided to negotiate and then Council has to approve and I take it the Commissioners have to approve it too; correct?

Mr. Kiesel:

That's correct.

The Chair:

What I am trying to understand here and I only want to get the effect on the city taxpayers right now. We have all these bonds flying around from authorities, from the City and we never really get the overall picture of where our debt is heading and where the debt service is heading and I still don't have a good handle on it by just doing bonds at a time.

What I'd like to have by Tuesday is, what is the debt outstanding for the City, what is the debt service for the City, what is the bond and debt service for all the authorities and what is the liability to the City? Even the ones where the City is not paying the debt but is ultimately liable if something goes wrong. Even if it's in a footnote forum and if you will give us trends for the last five years or the last ten years so we have some idea to have an analytical review of what is going on. Because doing this one at a time I don't think anyone here can tell us if we're going up or down, I have no idea where the debt is headed. We always hear that it's getting worse but I'd like to look at it.

You made reference to this agreement where we share half and half. When was that agreement signed?

Mr. Rumin:

I don't know. Right now it's going to be a new agreement for the additional bonds. Historically it has been for the 1978 issue, 1985 and the 1991 which are the ones that are outstanding now it has been half and half.

The Chair:

That probably was renewed from prior agreements.

Mr. Rumin:

Probably was, yes.

Mr. Onorato:

The Arena has been around since 1960?

Mr. Kiesel:

The original legislation called for the City and the County to equally share in whatever debt the Authority --

The Chair:

My guess is when that original agreement was signed we probably had 50/50 population between County and City. Has anyone ever bothered to look at the numbers? It's 25 percent we're down to the City. We just can't resign agreements blindly just because it was done in 1960, we have a different situation here Has that ever come up for discussion for any of these renewals? I think it's something we should look for it. The City can't be treated as an equal partner with the County any longer. We are not the same size, we don't have the same tax base and if anything look at the trends you'll see we're going in the other direction.

Let me go over the numbers. According to the chart I have in front of me and somebody made the comment that the Penguins would reimburse for the debt service of the Series B. Does that mean that the City is paying it and then we're going to get a check from the Penguins or the Penguins are paying it directly?

Ms. Billak:

The Penguins will pay it directly to a trustee through a guarantee agreement.

The Chair:

We won't have to make any payments out of city coffers and hope for reimbursement.

Ms. Billak:

That's right. They are going to be trustee funds.

The Chair:

Why do we call it a reimbursement?

Ms. Billak:

Perhaps I misspoke and used the word, it's a guarantee and not a reimbursement.

The Chair:

The City according to your chart, what is that, about $280,000.00?

Ms. Billak:

That is the gross amount. Under the existing agreement it would be 50/50 between the County and the City.

The Chair:

Fifty percent of the $280,000.00?

Ms. Billak:

Approximately $280,000.00 and we pay one half of that.

The Chair:

Are we going to be able -- when you give us a breakdown of the bond and the debt for the City, are you able to give us the information for Authority too?

Mr. Hennigan:

Yes. I have three spread sheets that will show you the entire debt and that which we are guaranteeing of other authorities. It is listed by authority.

The Chair:

I'd like to see a copy of the 50/50 share agreement. I take it is public knowledge?

Mr. Hennigan:

Sure.

The Chair:

I'd also like to have by Tuesday a written policy or statement from the Mayor's Office by Tuesday of what is the Mayor's position on negotiated versus competitive. I understand we are dealing with the Board and not the City and the Board actually makes that decision but with all of our boards and not this one. What is our policy and what is the criteria when we are going to switch to negotiated versus competitive because right now I'm still confused on what the policy is.

Mr. Hertzberg:

I guess we are going to end up spending about $1.5 million and we're going to be guaranteeing about $10 million. What I am looking for is what we get back. I see a lot of seating line items here. Are we increasing the seating capacity?

Mr. Kiesel:

The seating capacity has increased probably by a couple thousand over the last few years from the various projects that we've enacted. What the City and what the whole region gets out of this is a better facility. A lot of areas we're spending upwards of $150 million building new facilities. We have put $20 million over the last five years into the Civic Arena and it is still in great shape, it's still state of the art. It has the retractable dome which none of the rest of them have which is a wonderful characteristic of it. We are getting an upgraded facility which will continue to serve the public.

Mr. Hertzberg:

Are we going to increase the capacity?

Mr. Kiesel:

I think it was 1500 last year and this year I don't know exactly how many it will increase.

Mr. Patton:

We are now at a total of 17,200 with these improvements.

When we started three years ago, there were 16,164 seats and now with the final configuration today it will be 17,002. Now that's down a little bit from last year. What we've done is there were seats in the Arena that were behind poles and we have removed a lot of those seats and we are replacing them with premium seating. We can take and put in 12 seats where maybe there were 25 or 30 obstructed view seats, we can salvage 12 premium seats out of that area. So while we may have decreased capacity, we're increasing the useable seats because those were the toughest to sell as we expand with the other developments.

Mr. Hertzberg:

Although we're spending money, we're doing it more for quality than necessarily increased revenues from more ticket sales on this?

Mr. Patton:

Focus on where we started from and this is part of a two-year package and what we're doing is financing in addition to what we're doing this year what we did last year and adding the "F" balconies, that's what the Penguins are doing and that expanded the capacity from 16,200 to 17,200, a total of over 1,000 seats. Most of those seats that were added in the two new balconies, the "F" level balconies, making this facility very competitive throughout the country because of the number of premium seats and the number of seats available to the general public.

Mr. Hertzberg:

What I am not clear on is what is done already and what going to be done? You're playing over time but what is this phase of it?

Mr. Patton:

What you are being asked to guarantee is the financing for the projects listed here, most of which are a portion of these were done last year and paid for by the Penguins and a portion of which are under construction today and with the exception of the video scoreboard will be complete by opening on October 1st. The video scoreboard, about $2.7 million, will be in place some time around December after the shooting of a movie.

Mr. Hertzberg:

It would be fair to say that the total project that this is a part of, we are ending up with 1,000 more seats hopefully, the additional amusement tax revenue at least comes back to us and makes it a --

Mr. Patton:

-- that's correct and not only will come back but came back last year for a portion of it.

Mr. Hertzberg:

Thank you.

The Chair:

Any other questions? As I sit here thinking about the questioning, I would ask in the future, I know it's necessary but when we hire the professional consultants to do the work, that is the kind of recommendations I'd like to see are these agreements that we have 50/50. We have to be convinced that

you're looking out for the interest of the City and I am not pleased with the way this whole thing is coming down but I am not going to stop it. I think we're sending a nice warning for the next one that a lot of things have to be re-thought the way we do things here. We just can't accept what has been going on for 30 years and continuing to move forward. RAD was a great opportunity for the area and for the City but at the same time we can't support the debt service of these structures 50/50 any more and I would hope that it's seriously looked into over the next year before any more bonds come to this table.

Mr. Cohen:

Let me follow-up on that to say that I agree very strongly with the Finance Chairman on that point and I don't understand one thing because it has gone back and forth. Do the governing agreements that govern the relationship between the City and the County with respect to the Auditorium Authority require that this bond be a 50/50 deal or is this a new agreement where we agree to a 50/50 deal because it has been done that way in the past?

Mr. Kiesel:

Right now there is a new agreement with us proposed; we will double check. It may be in the Auditorium Authority's act that requires that.

Mr. Patton:

The only thing I can think of is that it has always been an equal share of responsibility and even going to the sharing of the debt service and what not.

Mr. Cohen:

Mr. Onorato's point is the present is not the past and if it has always been done that way that's not a good reason for doing it that way this time and the population shifts have been dramatic since the 1960's so I guess I would turn to the attorney, if you can let us know in writing what the agreement says and when that expires of course but also for the next bond issue for the Auditorium Authority. I do agree that this Council should send a strong message that it better not be 50/50 next time because we do not have 50/50 population, we don't and it's not fair. And I would love to know what the attendance figures are at the Civic Arena for the Penguins games on residents. Do we know how many people who come to the Penguins games are residents of the City of Pittsburgh?

Mr. Kiesel:

I don't have that information.

Mr. Patton:

I don't have it with me. We keep track of our season ticket holders by location where they want their tickets sent and with a number of businesses located in Downtown, Pittsburgh we show them as the season ticket holder. We can certainly provide that information.

Mr. Cohen:

That information will show their work address. Do you have their home addresses?

Mr. Patton:

I can check.

Mr. Cohen:

If I may ask the gentlemen to look into that too. My guess is that it's well below even the ratio of city residents to county residents. My guess is that if we have 25 percent city residents in Allegheny County that the number of people who attend Penguin games is even less than 25 percent. Nothing against the Penguins and all that they have done but there is a question of fairness here.

The Chair:

I appreciate your support and let me state that I don't want to get it down to where the fans are coming from because I do recognize that the City does receive a lot of benefits by having the Arena located within our municipality but I don't think it's unfair at all to look at the population percentages because that is who is paying the debt service.

What I would like to ask if either the Solicitor for the Authority or our Solicitor and I will ask our Clerk here to ask our Solicitor in case we can't get it from the Authority, I would like to pull the minutes from the very first bond agreement and my guess is there is going to be discussion in the minutes how you arrived at the 50/50 and I would bet all the money I have that the population is part of that discussion and why it arrived at 50/50 in 1960. And if that is the argument of the original agreement, that argument should be brought up immediately to adjust it every ten years or five years based on the census. Right now the census shows that we're 25 percent of the County and that should be a 75/25 percent agreement.

Mr. O'Connor:

That all sounds very nice and it is certainly worth pursuing but don't forget the ten percent amusement tax comes 100 percent to the city -- now it's five but for the last "x" amount of years that whole ten percent I don't know that we would want to give up that.

Mr. Ferlo:

We would not have to give it up.

Mr. O'Connor:

I don't think the County was borne yesterday. If we are going to take all that and also I don't know if we're prepared to give up our 50/50 authority as board members, I know we talked about some of the -- at the stadium. I know the County off the cuff said they'd take the whole Zoo and I don't think we're prepared to do that. If we are, those discussions, I'm not saying we can't start these discussions but be prepared it's a two-way street.

The Chair:

I'm on record of saying it over and over again, I was willing to give every voting seat of the stadium if they'd take complete debt service away from us and I'll say the same thing for any authority. The County can have complete control of every board as far as I'm concerned as long as the debt service is off the back of the city residents and we're all treated as one unit which should be the County because we are a part of the county.

Mr. O'Connor:

It's something the Mayor can start looking at but we're making "x" amount of dollars of what was ten percent.

The Chair:

Let me point out about the amusement tax. The amusement tax was in place when the original agreement was signed and as Mr. Ferlo pointed out, that is one of many taxes that we have like other municipalities have their own local taxes. The County also has taxes, they have real estate taxes and that was all considered when this agreement was signed. My guess is that the population was a critical point of the 50/50 discussion and that is probably why you have a 50/50 board because of the population back in 1960. I would just say to let's pull the minutes and see what the discussions were, it can't hurt. I would like to review the process.

Mr. Ferlo:

My earlier point was on the notion of an 80/20 split instead of 50/50 on debt service, not just the issue of population but we have a county that is saying they have so much money now and they're going to give some money back in property tax relief and maybe that's a politically expedient issue that's before the commissioners who are up for re-election but in any event they are giving money back and we're here adding $140,000.00 of additional debt service to the City's operating budget. I'm raising the issue of equity here in terms of who has the best ability to help pay off debt service and I think it should be at least an 80/20 ratio opposed to 50/50.

Mr. Cohen:

One other point if I may because obviously we're not going to resolve this here but please remember everyone that city residents are county residents so city residents get hit twice on this debt service. They pay the city portion and the county portion of the debt service so that adds in my view to the unfairness here that city residents get hit twice here. The last I checked the City of Pittsburgh was part of Allegheny County.

The Chair:

Any other questions? Is there a motion to hold for one week?

Mr. Cohen:

So move.

Mr. Ferlo:

I am voting no on the issue because I'm opposed to negotiated deals.

The Chair:

Motion to hold one week, is that plenty of time?

Mr. Hennigan:

Whatever procedure you would need.

The Chair:

You're looking for a final vote next Wednesday.

Mr. Hennigan:

Correct.

The Chair:

So we are going to ask for a hold of one week and try to have a final vote on Wednesday so we will have the Committee Meeting and the Legislative Meeting following. Is there a motion to hold for one week?

Mr. Hertzberg:

So move.

Mr. Cohen:

Second.

Which motion prevailed.

(END OF COMMENTS)
PREPARED BY: MARY ANNE HRUSKA
STENOTYPE REPORTER

(BEGINNING - MESSRS. FERLO AND HERTZBERG'S COMMENTS ON BILL NO. 971, WEDNESDAY, SEPTEMBER 14, 1994)

Mr. Hertzberg:

I appreciate your initiative here but I have a couple questions. I understand where you are going on the issue of moving from a situation where the police officer would actually have to see someone drinking it to the situation where someone is possessing it and I am definitely behind you there.

My question though is we're reaching in another area a little bit further and that is from the former confines of city street or sidewalk and now we're reaching a little further in going into just about everything public right-of-way or private property without the express permission and I'm a little bit concerned about that expressed permission what that term means and it could mean a lot of things and whether we want to start getting into that requirement. Maybe there isn't expressed permission for tailgate parties and I think it may be more implied than expressed so those are my concerns but I still support the general idea here.

Mr. Ricciardi:

Let me say that the new bill where it says public right-of-way is no different than where it says city street or sidewalk because a city street and/or a sidewalk is a public right-of-way so all we did there is change the terminology to update the code with the terminology that we have been using for several years according to the Department of Law.

Also concerning the express permission of the landowner, I support that meaning that I don't want anyone on my property sitting on my stoop or in my back yard or on my sidewalk drinking without my permission so that is where that leads into. And concerning tailgating because The Tribune did a fine job and brought that issue up, is this going to ban tailgating? Most tailgating I believe occurs in parking lots and probably at the stadium and again this bill does not ban that. However, the owner and/or the landlord would have to give permission and I don't know what the policy is now at the stadium but this bill does not target tailgating.

Mr. Ferlo:

The only frustration I have is we keep passing these laws. We have a problem with a small number of people whether it be the Southside Festival or anybody else and we keeping passing these laws that just blanketly create condemnation of every individual type of behavior city wide and I have a problem with that. Under this bill I would no longer be able to throw my

marathon party in Bloomfield which is a very successful event and it's never been a problem. I'm not going to be one here to condone or be in defense of alcohol. If the focus is nuisance bars I am all supportive of that and I would like to see it rewritten to specifically target that but I am very uncomfortable the way this is written and the way the bill is written right now I'd no longer be able to have my party at least.

Mr. Ricciardi:

Did you read the bill?

Mr. Ferlo:

Yes, I did.

Mr. Ricciardi:

Did you read the third idea where it says block parties held under special permit. You would need a special permit.

Mr. Ferlo:

I'm not going to get a special permit and neither should a hundred other people. People should be arrested for inappropriate activity. If people are abusive on the street because of alcohol or they are urinating in the Southside which is a problem in a lot of other places or they're rowdy outside a nuisance bar then damn it, arrest them and hold them personally accountable and throw them in jail for a couple of days.

Mr. Ricciardi:

The current bill already states that no person shall drink alcoholic beverages in public. However, it's effective according to the police officers including the sergeant that is here and according to the police officers that I spoke to. It's ineffective because someone actually does not drink in front of a police officer but they are carrying the beer mug in front of a police officer. And I disagree with you Mr. Ferlo. If you are going to have a block or if you are going to have a festival it only takes five or ten minutes to fill out a form to state that we're going to have a block party within a certain area. I personally do not want people carrying open containers of alcohol through the city streets. Point in case -- Market Square. Presently there are people drinking at Market Square and there's no ands, ifs or buts about it and there's ten to fifteen people right now. If you talk to a police officer which I did yesterday, the reason they cannot stop that activity according to the police officer is because they are not openly

drinking the alcohol but it's sitting there on the park benches with open containers.

Mr. Ferlo:

That has to be one of the most ridiculous statements I have ever heard. A police officer can observe someone who may at one given second is not guzzling a bottle of beer. A police officer does have the right to observe for more than three minutes and see the behavior and take note of it.

Mr. Ricciardi:

Most people are not going to drink openly in the public right-of-way in front of a police officer. Why not give the police officer an additional tool that would make it much easier for them to carry out their duties?

Mr. Ferlo:

Why aren't they holding individuals responsible for their conduct in public.

Mr. Ricciardi:

Absolutely and if they refuse to take on personal responsibility which they did during the Southside Spectacular which they refused to take responsibility in front of nuisance bars and which they refuse to take responsibilities in the sitting of our parks and the police officers agree this would be an additional tool, why not move ahead with it?

Mr. Ferlo:

I was just explaining my no vote.

Mr. Ricciardi:

Thank you.

The Chair:

Mr. Ricciardi, I'm prepared to vote yes or no on this today because there are a lot of different issues that are here and I was thinking about the upcoming Ockoberfest in the Strip. Now I know when I'm down there a a lot of the bars move outside.

Mr. Ferlo:

It's going to be in Lawrenceville this year. But they will no longer be allowed on the sidewalk.

The Chair:

That's another issue too and I guess I want to make sure before I vote on this that there are other events that I'm missing and see how it affects them because I don't see how you can get a permit if it's a street then and you're walking up and down the Strip District and there are these parties they have a lot and I know a lot of times they bring out the beer and I don't see a problem with somebody wanting a beer on a hot day walking down the street but I agree that if they are out of control they should be arrested and put in jail immediately. I'm a little worried about what this is stopping besides the problem that you're interested in.

Mr. Ricciardi:

Let's take East Ohio Street. The block permit would read that you would have the festival and this will be permitted behavior on all of East Ohio Street but once they leave East Ohio Street and once people begin to walk to their cars and walk into your residential neighborhoods and districts, I don't think you want them drinking on those streets after they've left your festival and I don't think you want them carrying open containers of liquor and beer once they leave East Ohio Street. So we all agree that if we are going to target festivals that festivals, this is certain behavior that's acceptable and can be marked off in a certain corridor. But once they leave that -- for example, once they leave Carson Street and they go to 16th Street, or once people leave Brookline Boulevard and they go to Queensboro Street that's where this law would come into effect.

The Chair:

But regardless of what is on the books now or this law, if somebody urinates on my property or sits on my stoop with a beer, I will kick him the heck off right away and I don't care what law is on the book and I think you have a right to do that, throw people off your property.

Mr. Hertzberg:

Mr. Ricciardi, I don't know that this has been extensively studied by the City Solicitor and I know where you're going and I know what your intent is. Maybe with the Solicitor taking a look at that we can be sure that with the language that's in this bill it's going where you want it to go and not too far. Would you have any problem with holding it?

Mr. Ricciardi:

I'd rather people abstain today and we could have the Law Department look at it and report back to us on Tuesday but I'd

rather move ahead and if people feel uncomfortable we can abstain, however there will be a final vote on Tuesday and the Solicitor will have plenty of time to report to us by then.

The Chair: Roll call vote on the bill.

ROLL CALL

AYES 3 NOES 1 ABSTAIN 1

(END OF COMMENTS)
PREPARED BY: MARY ANNE HRUSKA
STENOTYPE REPORTER

MUNICIPAL RECORD

Proceedings of the Council of the City of Pittsburgh

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Municipal Record

ONE-HUNDRED TWENTY-EIGHTH COUNCIL

JIM FERLO.....President
LINDA M. JOHNSON-WASLER.....City Clerk
KURT J. SALAC.....Asst. City Clerk

Pittsburgh, PA
Tuesday, September 27, 1994

PRESENT:

Mr. Cohen	**Mr. Onorato**
Mr. Cusick	**Mr. Ricciardi**
Mr. Hertzberg	**Mr. Smith**
Mr. O'Connor	**Mr. Ferlo (Pres't)**

The Chair:

Good morning. City Council's Legislative Session will now come to order.

Would you all please rise for the Pledge of Allegiance and would you please remain standing for a moment of silent prayer so that we may have peace throughout the world.

We are very honored and pleased, as is the custom here in the Chambers, to have a student. This is Louis Jackson from the Hill District, from Councilman Smith's community. His parent is here, Mrs. Earlene Floyd. Good morning. And, we are very honored to have Louis here; he is an honor student in the 8th Grade, and he is going to lead us in the Pledge of Allegiance. Louis.

Louis Jackson:

I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with Liberty and Justice for all.

The Chair:

Thank you. Thank you, Louis, and the City Clerk would like to give you the flag of our country and the flag of our great City.

We also want to give an honorable mention to your Principal up at Milliones, Delphina Briscoe, Mrs. Briscoe, and we hope she is going to be watching the tape later on at 7.

PRESENTATIONS

The Chair:

At this time we have a number of guests in the audience, and I would like to call on Councilman Cohen.

Mr. Cohen:

Thank you, Mr. President. Good morning, everyone. Would our good paramedics please come up here, and also the Pisowicz family, and any police and former police officers. Gabe, come on up.

Members of Council, members of the audience, I am very proud to introduce this resolution. As you all know, we have one of the finest paramedic services in the United States of America, and the incident that this proclamation describes, just illustrates how fine they are, and it goes as follows:

MR. COHEN PRESENTS

No. 1037 WHEREAS, the highly skilled employees of the City's Bureau of Emergency

Medical Services work every day to provide emergency service and to save the lives of others; and

WHEREAS, on August 30th, 1994, Bill Pisowicz, a Pittsburgh Police Officer, suffered a severe heart attack on south Millvale Street in Bloomfield; and

WHEREAS, Roy Cox, a City paramedic, arrived on the scene to find the 48 year old police officer unconscious, with no pulse, no respiration and unresponsive, lying prone on the street, and began to immediately administer CPR; and

WHEREAS, a full EMS team arrived on the scene in seconds and worked with extraordinary speed and efficiency to determine the officer's critical condition, to resuscitate him by providing immediate advanced life support and to transport him, once stabilized, to West Penn Hospital; and

WHEREAS, the members of this highly professional EMS team were Roy Cox (Patient Care Coordinator), James Holman (Supervisor), John Winterbottom (Paramedic), John Soderberg (Paramedic, Wes Notovitz (Crew Chief), and Ed Carlino (Paramedic), all of whom worked together to save the life of Officer Pisowicz; and

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh commends these members of the City's Bureau of Emergency Medical Services for their outstanding performance and for their lasting contribution to the citizens of Pittsburgh.

MR. COHEN moved to adopt the resolution.

MR. SMITH seconded the motion.

Which motion prevailed.

Mr. Cohen:

Members of Council, thank you very much. As I said, Pittsburgh Paramedics save lives on the streets of Pittsburgh every day, but we wanted to highlight this particular incident because of two things. One is, the remarkable speed and efficiency and teamwork that went in to saving this gentleman's life; but the other is, of course, it was a Pittsburgh Police Officer who had a cardiac arrest and who was saved by the Pittsburgh Paramedics, and for that reason I want to congratulate each and every one of you for your participation in this terrific saving of a life.

And, we have here many members of the Pittsburgh Paramedics, and also members of the Pisowicz family, and let me introduce them, if I could. We have, of course, the people that I mentioned, who were involved in this incident and who saved Officer Pisowicz' life. That is Roy Cox -- why don't you raise your hand, okay, when I -- nice to see you, Roy. James Holman, Jack Winterbottom, John Soderberg, Wes Notovitz and Ed Carlino. If you would, give them a round of applause, please. Congratulations on a job well done.

We also have with us, of course, the Chief of EMS, Robert Kennedy; we also have Tom Huerbin, the President of the Fraternal Association of Pittsburgh Paramedics, as well as Tom Broderick, a paramedic -- both of them, of course, are paramedics as well -- and Vice President of FAPP. We also -- do we have Paul Paris and Ronald Roth? We do. Come on up. We have the Medical Director and the Associate Medical Director, who provide the medical guidance for the paramedics. And, Steve Carlson, Paramedic Supervisor, as well as Bob Full, I know he is here somewhere, who is the Assistant Chief in charge of Rescue.

I particularly want to acknowledge here members of the Pisowicz' family and particularly Sue Pisowicz, Bill Pisowicz' wife, Kathleen, Bill Pisowicz' mother, and his son Brian, and thank the three of you for being here.

So, what I would like to do first is present this proclamation to both Robert Kennedy and Tom Huerbin, the Chief of the Paramedics and the Head of the Paramedics Union, and thank all of you for just a terrific job well done. Come on up, guys. Congratulations, both of you.

Mr. Huerbin:

Thank you. As President of the City Paramedics, I cannot tell you how proud I am to be here today to share this event with these individuals. They perform their duties every day and actually in our lives, we believe we are heroes, as well as in the general public at large.

If it was not for their actions Officer Pisowicz would not be with us today, and we are so pleased that this event turned out the way it did.

Every day we answer calls of this nature. This is not the big rescue type call, the building collapse, or the fire, or the car accident you see on the nightly news all the time, this was a medical call, a cardiac arrest. Officer Pisowicz was found clinically dead on the arrival, and if it was not for their quick actions, he would not be with us today, and we certainly congratulate them for their efforts.

Mr. Cohen:

Before I bring Chief Kennedy up, I also want to acknowledge Gabe Kucheras, who is with the Retired Police Officers, and thank you very much, Gabe, for being here.

Chief Kennedy, please.

Chief Kennedy:

Thank you. On behalf of the Bureau of Emergency Medical Service, I would like to thank Council for this resolution honoring these paramedics.

I would especially like to take note of Roy Cox, who is the Patient Care Coordinator, he was one of the first responding to this scene. In his vehicle -- he has a caravan with red lights, and it is like a roving disaster wagon. He has a tent, and he recently added a monitor, a cardiac monitor, to his stock, and it was, in fact, his action of the adding of that, responding many times, as he did on this case, on his way home, that he had the right equipment at the right time to effectively save someone's life.

I would like to echo what Tom Huerbin said, that each and every day this is what paramedics do. Yesterday, the day before that there were lives being saved and people alive today because of their actions.

I am proud to be their Chief, I continue to be proud to be their Chief, and we should all be proud as citizens that we have men such as this -- and I should mention Steve Carlson, who is a Supervisor, who stopped on his off time also to render aid.

So, thank you very much on behalf of the Bureau.

The Chair:

Thank you.

Mr. Cohen:

Let's have Roy Cox come up here. Roy, could you say a few words, please. Congratulations.

Mr. Cox:

Thank you. I would just like to say that on behalf of the City of Pittsburgh, Bureau of EMS, it is occasions like this that come to light that we have done our job as we are assigned to do, but it happens every day and we are here to help the public, and as paramedics it is important that we know that we are appreciated, and I hope that all the paramedics in the City of Pittsburgh understand that this activity is for them as well, and thank you for a job well done.

The Chair:

Thank you.

Mr. Cohen:

And, finally, and perhaps most significantly, I would like to ask Officer Pisowicz' wife, Sue Pisowicz, to come up and say a few words, please. Sue.

Mrs. Pisowicz:

On behalf of my husband and my two sons and our little granddaughter, my husband's parents, I would like to extend our deepest appreciation to you, if you didn't get there that fast, he wouldn't be here. They only have about four minutes to save their lives, and we appreciate it. Thank you.

Mr. Cohen:

Thank you. Thank you so much and keep doing it. We will have copies of this resolution for everybody, just congratulations for a job well done, and please tell Officer Pisowicz, if he is watching now, or if he is going to watch it later,

that we are so glad that he is alive and well and we cannot wait for him to get back on to the beat of the streets of Pittsburgh. Congratulations.

The Chair:

Thank you.

Mr. Smith:

Mr. President.

The Chair:

Councilman Smith.

Mr. Smith:

While they leave, I just want to say that I recently had an unfortunate opportunity to use the EMS services and they were so comforting to my family, as we went to the hospital that I would like to say "thank you" to each and every one of them for being so professional, so fast, and we do not remember that these are the services that your tax dollars have sitting there for the moment you need to use them, with no questions, no problem, for each and every citizen of the City of Pittsburgh.

So, I just want to say "thank you" to EMS, the police and Dan for recognizing them.

The Chair:

Thank you. At this time I would like to call on Councilman Ricciardi, who has a number of guests here.

Mr. Ricciardi:

Thank you, Mr. President. Our colleague, Councilman Smith, eloquently talked about our tax dollars at work and this is a continuation of that.

At this time I would like to ask Directors Reginella, Hanna and Gallo and Deputy Director Don Onorato and our guest Alex Sciulli and Paul Ostrowski, if they could please come forward.

Mr. Don Onorato is Deputy Director of the Department of Public Works; Fred Reginella is our Director of Engineering & Construction; John Hanna is our Director of Water; Faith Gallo is our Director of Parks and Recreation, and Mr. Sciulli and Mr. Ostrowski are officers with the American Public Works Association, the Western Pennsylvanian Chapter.

MR. RICCIARDI PRESENTS

No. 1038 WHEREAS, Public Works services provided in our community are an integral part of our citizens' everyday lives; and

WHEREAS, the support of an understanding and informed citizenry is vital to the efficient operation of Public Works systems and programs such as water, sewers, streets and highways, public buildings, solid waste collection, and snow removal; and

WHEREAS, the health, safety, and comfort of this community greatly depends on these facilities and services and the quality and effectiveness of these facilities, as well as their planning, design, and construction, which is vitally dependent upon the efforts and skill of Public Works officials; and,

WHEREAS, the efficiency of the qualified and dedicated personnel who staff Public Works departments is materially influenced by the people's attitude and understanding of the importance of the work they perform; and,

WHEREAS, the people of the City of Pittsburgh hereby thank and applaud the efforts of Ralph Kraszewski, Director of the City of Pittsburgh's Department of Public Works, Fred Reginella, Director of the City of Pittsburgh's Department of Engineering and Construction, John Hanna, Director of the Department of Water, and Faith Gallo, Director of the Department of Parks and Recreation, for their tireless work on behalf of the residents of the City of Pittsburgh.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the city of Pittsburgh hereby proclaims the week of September 25, 1994 "Public Works Week" in the City of Pittsburgh and call upon all citizens and civic organizations to acquaint themselves with the issues involved in providing Public Works and to recognize the contribution which Public Works officials make every day to our health, safety, and quality of life.

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh also congratulates the American Public Works Association's Western Pennsylvania Chapter on "Public Works Week" as well as the 100th Anniversary of the American Public Works Association.

MR. RICCIARDI moved to approve the resolution.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

Mr. Ricciardi:

Thank you, and at this time I would like to ask Mr. Don Onorato, who is the Deputy Director of Public Works, and who has many years of experience delivering efficient and effective public service to our citizens, to accept this award on behalf of Ralph and also Mayor Murphy, and I would like to ask others also to say a few words.

So, thank you for all your tireless efforts, as my colleagues have always thanked you. It is so important to work very diligently for our tax payers, and I think all of you do a very good job in leadership capabilities and your positions and working tirelessly with out residents.

And, Mr. Onorato, please. Thank you.

Mr. Onorato:

I would just like to say that it is an honor for me to accept this award on behalf of the Murphy Administration, Director Kraszewski and all the employees of the Public Works Department, and we are looking forward to delivering through this Council good services to the citizens of the City of Pittsburgh. Thank you very much.

The Chair:

Thank you.

Mr. Reginella:

I would like to express my gratitude to the Members of Council for this recognition for this proclamation. Also, I do so on behalf of our staff, on behalf of the Administration, of course. And, particularly I want to thank Mr. Alex Sciulli, former Director of E & C, currently President of the Western Pennsylvanian Chapter of the American Public Works Association, along with Paul Ostrowski from the County, for their effort in this regard. Thank you very much.

The Chair:

Thank you, Director.

Mr. Hanna:

Good morning. I, too, would like to thank City Council. I would also like to thank former Director of the Water, Alex Sciulli, and Councilman Ricciardi.

I accept this award on behalf of the men and women of the Water Department. It is oftentimes that a person like me gets up here and accepts the award but it is those people that answer the telephones, that treat the water and that fix the leaks in the street, that go unnoticed. They are the people that make myself, the Department and the City look good, and I want to accept it on behalf of them. Thank you.

The Chair:

Thank you, Director.

Ms. Gallo:

Thank you, Council, on behalf of all the staff of Parks and Recreation. We just finished Sunday the Great Race and we could not have done it without the wonderful cooperation of workers throughout the City, and they do perform quietly behind the scenes, and it is countless hours and we just could not parade without them. So, thank you.

The Chair:

Thank you, Director.

I knew you couldn't stay away too long.

Mr. Sciulli:

Mr. President.

The Chair:

Director Sciulli. Former Director Sciulli.

Mr. Sciulli:

Members of Council, I guess this is one of the truly pleasurable events, to come back to Council, for me. I am usually on the other side, but it is a great honor, and I am very pleased to be here representing the American Public Works Association.

Many of you know, as Councilman Ricciardi said, the American Public Works Association is celebrating its hundredth year, and when you think about that and what it means to our City and to your region just in the last four or five years. Many of you have been here at Council when we have experienced major oil spills and bridge collapses at Duquesne University and the Bloomfield train wreck and other events that these folks have been involved in and I have had the fortunate or unfortunate ability to be there also and to participate in some of those things, and the City has always turned out to be a Number One group and EMS group and everyone else that gets involved in public works.

And, so, I am very proud to have been a director, a past director of the City of Pittsburgh, and I am very proud to be the President of the American Public Works Association, and I want to congratulate Council and the Administration and the members here that are up here for a truly outstanding effort. Thank you.

The Chair:

Thank you, Mr. Sciulli.

Mr. Cohen:

Paul, would you like to say a few words on behalf of the Association and Allegheny County.

Mr. Ostrowski:

Well, I appreciate the opportunity of participating in this ceremony. As you can see there are thousands of Public Works personnel involved in our day to day operations, and really a lot of times people take us all for granted, but it is this total teamwork concept that makes things work and work effectively and efficiently.

You all have a lot to be very proud of, because here in the City of Pittsburgh now we've been indulged in many major efforts and improvements for over a hundred years in development of our City and our resources, and you good people have made the City of Pittsburgh Number One in the hearts and minds of us all, and I am just hopeful that we can continue to really work together to see the common needs of Public Works and really take advantage of associations and -- of like the American Public Works.

And, I would like to say "thank you" for on behalf of our Association and all its members. Thank you.

The Chair:

Thank you. Thank you all. Councilman Cohen.

Mr. Cohen:

Thanks, Mr. President. I just want to briefly thank Councilman Ricciardi for bringing forward this initiative.

I think a lot of people do not realize how much inter-governmental cooperation is necessary among our departments to be able to have the fine Public Works that we do.

So, I just want to congratulate all of the directors and assistant directors, and thank Alex Sciulli and welcome him back to Council Chambers. Alex Sciulli did a terrific job in my view as head of the Department of Engineering and Construction, and it is nice to see you back.

The Chair:

Thank you all. And, we need Edmond Street paved, by the way. Thank you and congratulations.

I would like our guests from West Penn Hospital to come forward, please.

Members of Council, it is a great honor for me to introduce the following resolution:

THE CHAIR PRESENTS

No. 1039 WHEREAS, the West Penn Hospital Cot Club, the first charitable organization of its kind in Pittsburgh, was founded 100 years ago to purchase a child's cot in a ward at the Hospital; and

WHEREAS, funds for the purchase of the cot were quickly raised, and the surplus from this first fund-raising effort became the nucleus for the Cot Club's next goal of establishing a separate hospital ward specifically for children; and

WHEREAS, in just seven short years, the young women of the Cot Club raised enough money to furnish and equip the Hospital's first children's ward with modern-day conveniences and comforts of that time; and

WHEREAS, the Cot Club's goals and efforts toward providing for children treated at the Hospital have remained the same today as they were 100 years ago; and

WHEREAS, young patients throughout the Hospital continue to benefit from the Cot Club's generosity; and

WHEREAS, The Western Pennsylvania Hospital will honor current members of the Cot Club for their continuous hard work and dedicated service at a ceremony and reception on September 29, 1994.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh hereby recognizes and commends a century of service by the Western Pennsylvania Hospital Cot Club; and

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh hereby declares that the month of October, 1994 be proclaimed as The Western Pennsylvania Hospital Cot Club Month in the City of Pittsburgh.

MR. HERTZBERG moved to adopt the resolution.

MR. COHEN seconded the motion.

Which motion prevailed.

The Chair:

Thank you. And, I see Judge Folino here, you are welcome to join us, with your lovely wife. Usually we are always going to the upper floors, we like to see the judges come down to the 5th Floor once in a while.

This is a great honor. I know with the Health Care debate going on and we think about the big business nature of hospitals, but there is a human side to the hospitals, and as Councilman Smith and any of us can account and attest to that have maybe frequently visited a hospital to visit a loved one, you can remove the big institution atmosphere and what it really comes down to is a lot of hard working professionals, but also a lot of hard working volunteers, and I think throughout the hospital system, which we can boast, we have one of the greatest health care professions and systems here in the City of Pittsburgh, I think we would have to admit that the backbone of a lot of that system is the countless hours and generosity and goodwill generated by hundreds of volunteers that help out in the hospital system, and this organization, I guess, really epitomizes that philanthropy and that spirit and that charitable goodwill.

So, it is a great honor for this Council to recognize the hard work of this organization, and obviously we wish them another hundred years of work, I don't know if we'll all be here another hundred years from now, but I know there will be other volunteers that will fill in the staffs.

We have some great guests here today. Lois Folino, as you know, Judge Folino's wife, is here, and she is the Director of Volunteer Efforts for the Club, and we also have the President Evelyn Ferry here; we have the Vice President, Edith Thompson; the Corresponding Secretary Betty Bond; the Recording Secretary Lucille Fitzsimmons, and the Treasurer Louella Gabrick.

This is a great group and we are very honored that they are here, and I would hope that our President here of the Chapter and Lois could say a few words, please. Lois.

Mrs. Folino:

Thank you. I would just like to say, as Volunteer Director at West Penn, I can honestly

say, the same dedication and enthusiasm of the founding members of the Cot Club is alive and well in the current members of the Cot Club and they are a pleasure to work with and give unending time and effort for the children at West Penn Hospital.

I would like to ask our President, Evelyn Ferry, to say a couple words.

Ms. Ferry:

From the Cot Club members, we thank you very much for this honor. It has been a pleasure to do all that we have been doing for all the children in the hospital. Thank you.

The Chair:

Thank you very much.

At this time I would like to move on to the Presentation of Papers. Calling on Councilman Cohen, Committee on Public Safety.

Mr. Cohen:

Mr. President.

The Chair:

Thank you, Mr. Cohen.

MR. COHEN PRESENTED

No. 1040 An Ordinance Supplementing the Pittsburgh Code, Title One, Administrative, Article VII, Procedures, Chapter 161, Contracts, by adding Section 161.27 - Reports on City Council Grants.---**(SPONSORED BY MR. COHEN AND MR. HERTZBERG)**

Also,

No. 1041 Resolution SUPPLEMENTING the City of Pittsburgh Rules of Council by adding Rule XVIII, providing procedures for the authorization of grants of federal and local taxpayer funds to non-profit organizations serving the residents of the City of Pittsburgh.— **(SPONSORED BY MR. COHEN AND MR. HERTZBERG)**

Which were read and referred to the Committee on Finance.

MR. CUSICK PRESENTED

No. 1042 Resolution Amending Res. #196, eff. April 7, 1988, entitled "Providing for an Agreement or Agreements or Supplemental Agreement or Agreements with a Consultant or Consultants for Landscape Arch. Design in connection with the Rehabilitation of Various Playgrounds; and providing for the payment of the cost thereof," by decreasing the total project allocation by $6,055.88 from $27,500.00 to $21,444.12; chargeable to and payable from Code Account CDEC 86-46.

Also,

No. 1043 Resolution Amending Resolution #1044, effective December 29, 1989, entitled "Providing for a Contract or Contracts, or use of existing Contracts, for Concrete Step Construction or Reconstruction at various locations in Community Development areas, including but not limited to Sterling Street, Judicial Street, Baldauf Street, Hancock Street and St. Leo Street; and providing for the payment of the cost thereof," by decreasing the total project allocation by $8,215.83 from $150,000.00 to $141,784.17.

Also,

No. 1044 Resolution Providing for a Contract or Contracts, or use of existing Contracts, for Rehabilitation of Service Buildings, including, but not limited to a new Forestry Building Garage; and providing for the payment of the cost thereof, at a cost not to exceed $100,000.00, chargeable to and payable from Code Account EC 94-147.

Also,

No. 1045 Resolution Providing for a Contract or Contracts, or use of existing Contracts for Step Construction or Reconstruction at various locations within the City of Pittsburgh; and providing for the payment of the costs thereof; at a cost not to exceed $200,000.00 chargeable to and payable from Code Account EC 94-212.

Also,

No. 1046 Resolution Providing for a Contract or Contracts, or use of existing Contracts, and/or an Agreement or Agreements, or use of existing Agreements, to Design and Construct Various Walls and/or Slope Remediation projects; and providing for the payment of the costs thereof, chargeable and payable from Code Account EC 94-210, ($200,000.00).

Also,

No. 1047 Resolution REPEALING Resolution No. 1177, effective December 26, 1985, Resolution No. 931, effective October 27, 1986, Resolution No. 395, effective June 6, 1988, Resolution No. 911, effective November 22, 1988, Resolution No. 668, effective August 17, 1989, Resolution No. 468, effective May 8, 1990, Resolution No. 222, effective March 14, 1991, Resolution No. 871, effective September 23, 1991, Resolution No. 990, effective October 29, 1991, Resolution No. 186, effective March 11, 1992, Resolution No. 217, effective March 18, 1992, and Resolution No. 1321, effective December 28, 1992 in their entirety.

Also,

No. 1048 Resolution FURTHER amending, Resolution #1455, effective January 1, 1994, as amended, entitled "Adopting and Approving the 1994 Capital Budget and the 1994 Community Development Block Grant Program; and approving the 1994 through 1999 Capital Improvement Program," by increasing a line item (EC 94-114) Turfed Areas and Landscape Rehabilitation by $65,800.00 from $200,000.00 to $265,800.00.

Also,

No. 1049 Resolution Amending Resolution No. 828, effective July 13, 1992, entitled "Providing for an easement agreement, or agreements with the School District of Pittsburgh in conjunction with construction of the new Bedford Water storage tank in the 5th Ward of the City of Pittsburgh; and providing for the payment of the costs thereof," by eliminating the consideration of the Deed of Easement.

Also,

No. 1050 Resolution Amending Resolution No. 345, effective April 26, 1993, entitled "Authorizing the Mayor and the Director of the Department of Engineering and Construction to accept an easement granting the City the right to enter upon the property of Joseph Lauterbach in the 29th Ward, designated as Block 60L, Lot 250 to erect a fence and attach the same to a wall on the property of the Grantee," by eliminating the consideration of $1.00 for the Deed of Easement, chargeable from Code Account EC 92-19.

Also,

No. 1051 Resolution AMENDING Resolution No. 328, effective April 10, 1985, entitled "Taking, Appropriating and Condemning, by the City of Pittsburgh, for public highway purposes, certain property of the Los Conquistadore, Inc., located at Block and Lot No. 23-J-180 in the 25th Ward of the City of Pittsburgh," by repealing Section 2 of this Resolution authorizing payment.

Also,

No. 1052 Resolution amending Resolution #994, effective November 20, 1984, entitled "Taking, Appropriating and condemning, by the City of Pittsburgh for public road improvement purposes, certain property of Michael and Emile Casiglio (23-J-180), situated along Pennsylvania Avenue in the 25th Ward of the City of Pittsburgh," by amending Section 2 of this Resolution to release the funding, chargeable to and payable from PW 83-38, in an amount not to exceed Two Thousand ($2,000.00) Dollars.

Also,

No. 1053 Resolution Amending Resolution #1108, effective November 12, 1981, entitled "Taking, Appropriating and condemning by the City of Pittsburgh, for public road easement purposes, certain property of Robert W. McCune, situated at the intersection of Grandview Avenue and Meridan Street in the Nineteenth Ward of the city of Pittsburgh," by repealing Section 3 of said Resolution authorizing just compensation fees, chargeable to and payable from Code Account: 01-01-30-0300-81, (4-13-30-0300-81, Index Code #304550), P.W. 81-39, not to exceed Two Thousand ($2,000.00) Dollars.

Also,

No. 1054 Resolution Amending Resolution #1106, effective November 12, 1981, entitled "Taking, appropriating and condemning by the City of Pittsburgh, for public road easement purposes, certain property of Samuel H. Triplett, situated at the intersection of Grandview Avenue and LaBelle Street in the Nineteenth Ward of the City of Pittsburgh," by repealing Section 3 of said Resolution authorizing just compensation fees, chargeable to and payable from Code Account: 4-01-30-0300-81, (4-13-30-0300-81, Index Code #304550), P.W. 81-39, not to exceed Two Thousand ($2,000.00) Dollars.

Also,

No. 1055 Resolution Amending Resolution #1107, effective November 12, 1981, entitled "Taking, appropriating and condemning by the City of Pittsburgh, for public road easement purposes, certain property of John R. Gavin, Etux., situated at the intersection of Grandview Avenue and August Street in the Nineteenth Ward of the City of Pittsburgh," by repealing Section 3 of said Resolution authorizing just compensation fees, chargeable to and payable from Code Account: 4-01-30-0300-81, (4-13-30-0300-81, Index Code #304550), P.W. 81-39, not to exceed Two Thousand ($2,000.00) Dollars.

Also,

No. 1056 Resolution Amending Resolution #1109, effective November 12, 1981, entitled "Taking, appropriating and condemning by the City of Pittsburgh, for public road easement purposes, certain property of Charles W. Carman, Jr., situated at the intersection of Grandview Avenue and Olympia Street in the Nineteenth Ward of the City of Pittsburgh," by repealing Section 3 of said Resolution authorizing just compensation fees, chargeable to and payable from Code Account: 4-01-30-0300-81, (4-13-30-0300-81, Index Code #304550), P.W. 81-39, not to exceed Two Thousand ($2,000.00) Dollars.

Also,

No. 1057 Resolution Amending Resolution #1139, effective November 19, 1981, entitled "Taking, appropriating and condemning by the City of Pittsburgh, for public road easement purposes, certain property of H. C. Leonard, situated at the intersection of Wyoming Street and Boggs Avenue in the Nineteenth Ward of the City of Pittsburgh," by repealing Section 3 of said Resolution authorizing just compensation fees, chargeable to and payable from Code Account: 4-01-30-0300-81, (4-13-30-0300-81, Index Code #304550), P.W. 81-39, not to exceed Two Thousand ($2,000.00) Dollars.

Also,

No. 1058 Resolution Amending Resolution No. 1112, effective November 12, 1981, entitled "Taking, appropriating and condemning by the City of Pittsburgh, for public road easement purposes, certain property of St. Mary's, situated at the intersection of Grandview Avenue and Bigham Street in the Nineteenth Ward of the City of Pittsburgh," by repealing Section 3 of said Resolution authorizing just compensation fees, chargeable to and payable from Code Account: 4-01-30-0300-81, (4-13-30-0300-81, Index Code #304550), P.W. 81-39, not to exceed Two Thousand ($2,000.00) Dollars.

Also,

No. 1059 Resolution Amending Resolution No. 1111, effective November 12, 1981, entitled "Taking, appropriating and condemning by the City of Pittsburgh, for public road easement purposes, certain property of St. Mary's, situated at the intersection of Grandview Avenue and Ulysses Street in the Nineteenth Ward of the City of Pittsburgh," by repealing Section 3 of said Resolution authorizing just compensation fees, chargeable to and payable from Code Account: 4-01-30-0300-81, (4-13-30-0300-81, Index Code #304550), P.W. 81-39, not to exceed Two Thousand ($2,000.00) Dollars.

Also,

No. 1060 Resolution Amending Resolution No. 1110, effective November 12, 1981, entitled "Taking, appropriating and condemning by the City of Pittsburgh, for public road easement purposes, certain property of Leonard M. Celmo, situated at the intersection of Grandview Avenue and Sweetbriar Street in the Nineteenth Ward of the City of Pittsburgh," by repealing Section 3 of said Resolution authorizing just compensation fees, chargeable to and payable

from Code Account: 4-01-30-0300-81, (4-13-30-0300-81, Index Code #304550), P.W. 81-39, not to exceed Two Thousand ($2,000.00) Dollars.

Also,

No. 1061 Resolution Amending Resolution No. 564, effective July 20, 1987, entitled "Taking, appropriating and condemning by the City of Pittsburgh for public sewer purposes certain property of Jean Helf, et. al (4-N-190) and Albert Helf (15-A-39) in the Nineteenth Ward of the City of Pittsburgh," by repealing Section 2 of said Resolution authorizing payment, chargeable to and payable from Code Account No. EC 87-52, $8,000.00.

Also,

No. 1062 Resolution Adopting Official Sewage Facilities for The Southwestern Pennsylvania Veterans' Center Plan of Property located on Highland Drive at Leech Farm Road in the 12th Ward of the City of Pittsburgh.

Which were severally read and referred to the Committee on Engineering and Construction.

MR. HERTZBERG PRESENTED

No. 1063 Resolution TRANSFERRING the amount of $300,000.00 from Code Account 2, Index Code 000208, Sinking Fund Bond Maturities, to Code Account PZTF, Pittsburgh Zoo Trust Fund, Index Code 253690 in the Department of Parks and Recreation.

Which was read and referred to the Committee on Finance.

Also,

No. 1064 Resolution AUTHORIZING the Director of the Department of Parks and Recreation to increase certain admission fees at the Schenley Park Ice Skating Rink, effective immediately.

Also,

No. 1065 Resolution PROVIDING for a license to Duquesne Light Company for the installation, use, operation, maintenance, repair, renewal and finally, removal of two (2) anchors, together with other necessary appurtenances on certain property of the City, fronting on Fernleaf Street, situate in the 16th Ward designated as Block 13-K, Lot 314, in connection with an upgrading and realignment program.

Also,

No. 1066 Resolution PROVIDING for a license to Duquesne Light Company for the installation, use, operation, maintenance, repair, renewal and finally, removal of one (1) anchor, together with other necessary appurtenances on certain property of the City, identified as West Penn Recreation Center, fronting on Brereton Street, situate in the 6th Ward designated as Block 25-R, Lot 106 in connection with the relocation of a pole due to the rebuilding of a wall on the north side of Brereton Street.

Also,

No. 1067 Resolution PROVIDING for a license to Duquesne Light Company for the installation, use, operation, maintenance, repair, renewal and finally, removal of two (2) poles, and three (3) anchors, together with other necessary appurtenances on certain property of the City, identified as Schenley Park Golf Course, fronting on Forbes Avenue and Schenley Drive, situate in the 14th Ward designated as Block 27-S, Lot 150 in connection with providing electrical service to the Schenley Golf Course irrigation pump.

Which were severally read and referred to the Committee on Parks and Recreation.

MR. ONORATO PRESENTED

No. 1068 Resolution Transferring the amount of $10,000.00 from Code Account 42-1, Reserve for Unsettled Wages, to Code Account 1022-1, Premium Pay, Magistrates Court.

Also,

No. 1069 Resolution Providing for Agreement (s) for stenographic reporting services in connection with public hearing (s) and providing for he payment of the costs thereof. Cost not to exceed $2,000.00.

Also,

No. 1070 Resolution PROVIDING for the conveyance by the City of Pittsburgh of certain property, under Act No. 171 of 1984, entitled, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984.

Which were severally read and referred to the Committee on Finance.

Also,

No. 1071 Resolution Amending Res. No. 265, 1994, entitled "Vacating Arcola Way between Voskamp Street and Wesler Way in the 24th Ward, 1st Council District of the City of Pittsburgh, by changing Section 1.---**(SPONSORED BY MR. ONORATO)**

Which was read and referred to the Committee on Public Works.

MR. ONORATO moved to suspend Rule 8 by providing for consideration of the bills only until or after the 8th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

MR. SMITH seconded the motion.

Which motion prevailed.

Also,

No. 1072 Resolution AUTHORIZING the City of Pittsburgh to issue a quit-claim deed for property designated in the 15th Ward as 54-M-66, 889 Flemington St., to Thomas and Alison F. Ohlmeyer, adjacent owners, for the sum of One ($1.00) Dollar.

Also,

No. 1073 Resolution PROVIDING for the conveyance by the City of Pittsburgh of certain property, under Act No. 171 of 1984, entitled, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984.

Also,

No. 1074 Resolution PROVIDING for the conveyance by the City of Pittsburgh of certain property under Act No. 171 of 1984, entitled, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984.

Which were severally read and referred to the Committee on Finance.

MR. RICCIARDI PRESENTED

No. 1075 Resolution Authorizing the issuance of a warrant in favor of Walsh Equipment, Inc., in the amount of $2,910.50 in payment for the purchase of channel posts furnished for the benefit of the City without previous authority of law, and providing for the payment thereof.

Also,

No. 1076 Resolution Providing for the issuance of a warrant or warrants in favor of the Russell Standard Corporation, in the amount of Three Hundred Seventy Five Thousand ($375,000.00) Dollars, for upgraded specifications for linestriping tape that is used for hot mix paving, without previous authority of law, chargeable to and payable from Code Account 3-01-01-0001-94, Citywide Resurfacing.

Which were read and referred to the Committee on Finance.

Also,

No. 1077 Resolution Granting unto John D. Caruso, 561 Calera Street, Pittsburgh, Pennsylvania, 15207, his successors and assigns, the privilege and license to construct, maintain and use at his own cost and expense, a building addition on a portion of the right-of-way on Ganges Way in the 31st Ward, 5th Council District of the City of Pittsburgh.

Also,

No. 1078 Resolution Granting unto the Laborer's District Council of Western Pennsylvania, 1101 Fifth Avenue, Pittsburgh, Pennsylvania, 15219, their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, for staging, loading and unloading materials for adjacent property owner's use on a portion of the right-of-way on Congress Street in the 3rd Ward, 6th Council District of the City of Pittsburgh.

Also,

No. 1079 Resolution Granting unto the University of Pittsburgh, 3500 Victoria Street, Pittsburgh, Pennsylvania, 15260, their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, a handicap ramp on a portion of the sidewalk area on Victoria Street in the 4th Ward, 8th Council District of the City of Pittsburgh.

Which were read and referred to the Committee on Public Works.

MR. SMITH PRESENTED

No. 1080 Resolution Authorizing the Urban Redevelopment Authority of Pittsburgh to submit an Application for Financial Assistance in the amount of $600,000 to the Pennsylvania Department of Community Affairs for the North Shore Redevelopment Area.

Also,

No. 1081 Resolution Authorizing a Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh for the North Shore Redevelopment Project Area providing for the reimbursement by the City of the Commonwealth for any expenditures found by the Department of Community Affairs to be ineligible and obligating the City to pay any local share of the project costs.

Also,

No. 1082 Resolution Authorizing the Urban Redevelopment Authority of Pittsburgh to acquire that property in the 21st Ward of the City of Pittsburgh owned by Robert P. Randall and designated as Block 22J, Lot 151 in the Deed Registry Office of Allegheny County, under the Industrial Land Reserve Fund for a purchase price of $985,000.00 plus expenses.

Also,

No. 1083 Resolution Authorizing the URA to acquire all of the City's right, title, and interest, if any, in and to the publicly-owned property in the 21st Ward of the City of Pittsburgh being designated as Block 7-G, Lots 11, 12, 13A, 13 and 37, under the Industrial Land Reserve Fund.

Which were severally read and referred to the Committee on Planning, Housing & Development.

THE CHAIR PRESENTED

No. 1084 Resolution Authorizing and directing the Chief, Bureau of Police and the Director, Department of Public Safety, to prepare and forward an implementation and impact study concerning any proposed juvenile curfew legislation to City Council.—**(SPONSORED BY MR. FERLO)**

Which was read and referred to the Committee on Public Safety.

MR. SMITH moved to suspend Rule 8 by providing for consideration of the bill only until or after the 8th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

MR. ONORATO seconded the motion.

Which motion prevailed.

The Chair:

Thank you. I would ask Council, please look at that bill, if there are other things that you would like to see included and if you think it is appropriate to the resolution, please feel free to amend it tomorrow.

Also,

No. 1085 Resolution AMENDING Resolution No. 1376, approved December 10, 1993, entitled: "Resolution providing for an Agreement (s) and Contract (s), with Consultant (s) and Vendor (s) for various expenses in connection with the Pittsburgh Advocacy Commission on Youth, payable from Code Account 4-10-10-1487-93-506-93-10, Index Code 611038, Youth Commission, Department of Parks and Recreation, and for payment thereof," by reducing the authorized amount by $8,333.00 from $150,000.00 to $141,667.00—**(SPONSORED BY JIM FERLO)**

Which was read and referred to the Committee on Parks & Recreation.

The Chair:

At this time we will move to Unfinished Business or Reports of Special Committees. Hearing none, we will move to Reports of Committees, Committee on Finance, Councilman Onorato.

REPORTS OF COMMITTEES

Mr. Onorato:

Mr. President.

The Chair:

Thank you, Mr. Onorato.

MR. ONORATO PRESENTED

Bill No. 1086

Report of the Committee on Finance for September 21, 1994, transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 994

A Resolution entitled, "Resolution providing for the conveyance by the City of Pittsburgh of certain property under Act No. 171 of 1984, entitled, "Second Class City Treasurer Sale and Collection Act," effective December f11, 1984.

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Smith
Mr. O'Connor	Mr. Ferlo (Pres't)

AYES 8 NOES none

The bill having received the legally required number of votes passed finally.

Also,

Bill No. 1009

A Resolution entitled, "Resolution repealing Resolution No. 619, approved August 11, 1994, entitled, "Resolution providing for the issuance of a warrant in favor of the Walter H. Drane Company in the amount of $10,735.00 for professional services in connection with the preparation, printing and delivery of supplements to the Pittsburgh Code." **(SPONSORED BY MR. FERLO)**

Which was read.

Also,

Bill No. 1024

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Liebert Corporation in the amount of Seven Thousand Nine Hundred Fifty Dollars ($7,950.00), in payment for repair services to the Uninterruptible Power Supply for the Emergency Operations Center. Payment is requested without previous authority of law.---**(PRESENTED MR. COHEN).**

Which was read.

The Chair:

You have heard the reading and title of the bills, is there any discussion on the bills?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills

will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen Mr. Onorato
Mr. Cusick Mr. Ricciardi
Mr. Hertzberg Mr. Smith
Mr. O'Connor Mr. Ferlo
(Pres't)

AYES 8 NOES none

And there being two-thirds of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 1025

A Resolution entitled, "Resolution transferring the amount of $30,000.00 from Code Account 1927-9 (192799) Workers' Compensation, Department of Water, to Code Account 1482 (148205), Miscellaneous Services, Department of Engineering and Construction for the purpose of the Pioneer Avenue Landslide Survey.— **(SPONSORED BY MR. CUSICK)**

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen Mr. Onorato
Mr. Cusick Mr. Ricciardi
Mr. Hertzberg Mr. Smith
Mr. O'Connor Mr. Ferlo
(Pres't)

AYES 8 NOES none

The bill having received the legally required number of votes passed finally.

MR. RICCIARDI PRESENTED

Bill No. 1087

Report of the Committee on Public Works for September 21, 1994, transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 995

A Resolution entitled, "Resolution providing for a Cooperation Agreement between the City of Pittsburgh and the Borough of Ingram in connection with the flex base pavement overlay of Charlton Street from Berry Street to the City Line and providing for the payment thereof by the Borough to the City of the Borough's share of the costs thereof. Said amount shall be deposited into Asphalt Reimbursement Trust Fund, Index Code 250100.

Which was read.

Also,

Bill No. 996

A Resolution entitled, "Resolution authorizing the Director of the Department of Public Works to provide a license agreement with Consolidated Rail Corp. in the 12th Ward, 9th Council District of the City of Pittsburgh.

Which was read.

Also,

Bill No. 997

A Resolution entitled, "Resolution granting unto Conmat, Inc., 1329 Woods Run Avenue,

Pittsburgh, Pennsylvania, 15212, t heir successors and assigns, the privilege and license to construct, maintain an use at their own cost and expense, a fence under the Shadeland Avenue Bridge right-of-way between Woods Run Avenue and Lecky Avenue in the 27th Ward, 1st Council District of the City of Pittsburgh.

Which was read.

Also,

Bill No. 998

A Resolution entitled, "Resolution granting unto A.C.H. Tavern, 1321 Woods Run Avenue, Pittsburgh, Pennsylvania, 15212, their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, a parking area under the Shadeland Avenue Bridge right-of-way between Woods Run Avenue and Lecky Avenue in the 27th Ward, 1st Council District of the City of Pittsburgh.

Which was read.

Also,

Bill No. 999

A Resolution entitled, "Resolution granting unto John Bogosto with an address at 3608 Manuel Street, Pittsburgh, Pennsylvania, 15214, his successors and assigns, the privilege and license to construct, maintain and use at his own cost and expense, a fence on a portion of Elph Way and Bobby Way in the 26th Ward, 1st Council District of the City of Pittsburgh.

Which was read.

Also,

Bill No. 1000

A Resolution entitled, "Resolution granting unto Daniel B. and Tammy L. Wallace, 370 Junius Street, Pittsburgh, Pennsylvania, 15220, their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, a driveway in the right-of-way of Adolph Way between Junius Street and Mellinger Street in the 20th Ward, 2nd Council District of the City of Pittsburgh.

Which was read.

Also,

Bill No. 1002

A Resolution entitled, "Resolution granting unto Mark J. & Mary Ann Barry, 2717 Plough Street, Pittsburgh, Pennsylvania, 15212, their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, a fence on a portion of the right-of-way on Dickson Street in the 27th Ward, 1st Council District of the City of Pittsburgh.

Which was read.

Also,

Bill No. 1003

A Resolution entitled, "Resolution granting unto Cheryl A. Henretty with an address at 3400 Delaware Avenue, Pittsburgh, Pennsylvania, 15214, her successors and assigns, the privilege and license to construct, maintain and use at her own cost and expense, a fence on a portion of the right-of-way on Beryl Way and Chemung Way in the 26th Ward, 1st Council District of the City of Pittsburgh.

Which was read.

The Chair:

You have heard the reading and title of the bills, is there any discussion on the bills?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Smith
Mr. O'Connor	Mr. Ferlo

(Pres't)

AYES 8 NOES none

The bills having received the legally required number of votes are passed finally.

Also,

Bill No. 1004

A Resolution entitled, "Resolution granting unto H.T.C.Y., 3716 Forbes Avenue, Pittsburgh, Pennsylvania, 15213, their successors and assigns, the privilege and license to construct, maintain an du se at their own cost and expense, a sidewalk cafe in the 4th Ward, 3rd Council District in the City of Pittsburgh.

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen Mr. Ricciardi
Mr. Cusick Mr. Smith
Mr. Hertzberg Mr. Ferlo
Mr. Onorato (Pres't)

AYES 7 NOES none

(MR. O'CONNOR ABSTAINING)

The bill having received the legally required number of votes passed finally.

Also,

Bill No. 1005

A Resolution entitled, "Resolution granting unto Robert Wholey & Company, Inc., 1711 Penn Avenue, Pittsburgh, Pennsylvania, 15222, their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, a canopy over a portion of the sidewalk on Penn Avenue in the 2nd Ward, 6th Council District of the City of Pittsburgh.

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen Mr. Onorato
Mr. Cusick Mr. Ricciardi
Mr. Hertzberg Mr. Smith
Mr. O'Connor Mr. Ferlo
(Pres't)

AYES 8 NOES none

The bill having received the legally required number of votes passed finally.

MR. SMITH PRESENTED

Bill No. 1088

Report of the Committee on Planning, Housing and Development for September 21, 1994, transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 794

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Nine, Zoning, Article III, Chapter 921, Section 921.02, Zoning District Map No. 13, by changing from "R3" Multiple-

Family Residence District to "M2" Limited Industrial District all that certain property bounded by: Second Avenue, Lot No. 106, Block 57-C in the Allegheny County Block and Lot System, Herbert Way, and Lot No. 96, Block 57-B in the aforesaid system; 15th Ward.**(SPONSORED BY MR. O'CONNOR)**

Which was read.

Also,

Bill No. 1008

A Resolution entitled, "Resolution further amending Resolution No. 1348, effective January 1, 1993, entitled: "Adopting and Approving the 1993 Capital Budget and the 1993 Community Development Block Grant Program; and approving the 1993 through 1998 Capital Improvement Program," so as to reduce a line item in City Planning, increase a line item in City Council, and create a new line item in City Council.**(SPONSORED BY MR. FERLO)**

Which was read.

Also,

Bill No. 885

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Nine, Zoning, by creating a stormwater management regulatory district under Chapter 986 "Environmentally Sensitive Land Regulations" in accordance with watershed management plans adopted by the County of Allegheny and approved by the Pennsylvania Department of Environmental Resources as required by the Pennsylvania Stormwater Management Act (Act 167 of 1978) and secondly by defining and regulating that portion of the "Girty's Run Watershed" located in the 26th Ward of the City of Pittsburgh which is approximately 65 acres between Ivory Avenue and Ross Township---COUNCIL DISTRICT NO. 1.— **(HEARING HELD SEPTEMBER 20, 1994)**

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Smith
Mr. O'Connor	Mr. Ferlo (Pres't)

AYES 8 NOES none

The bills having received the legally required number of votes are passed finally.

MR. COHEN PRESENTED

Bill No. 1089

Report of the Committee on Public Safety for September 21, 1994, transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 905

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, title Six, Conduct, Article I, Regulated Rights and Actions, Chapter 611, Alarms, Section 611.01, Definitions: Section 611.04, Repeated False Alarms; and Section 611.07, False Alarm Penalty.(AS AMENDED) **(SPONSORED BY MR. FERLO AND MR. ONORATO)**

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

I just want to thank my colleagues for supporting this legislation, it makes more fair the

system of False Alarm Penalty Fees by reducing in, roughly, in half the fees for residents and small business throughout the City that are burdened with the penalty, it also includes some other non-profit organizations, not only educational non-profits but other community-based non-profits, who, as we know, have oftentimes had a difficulty time in determining exactly why a false alarm went off.

This legislation is effective January 1, 1995, so as to take into consideration the budget situation, then we can plan accordingly during the 1995 budget consideration.

Any other comments? Mr. Hertzberg.

Mr. Hertzberg:

I would ask that my comments be brought forward from last week's meeting, particularly on the topic of effective dates.

(REMARKS -- SEE ADDENDUM)

The Chair:

Thank you, Mr. Hertzberg.

Councilman Onorato.

Mr. Onorato:

The same thing, I would like my comments brought forward.

(REMARKS -- SEE ADDENDUM)

The Chair:

Thank you.

Hearing no other discussion, the bill is now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Smith
Mr. O'Connor	Mr. Ferlo

AYES 8 NOES none

The bill having received the legally required number of votes passed finally.

The Chair:

That concludes our Reports of Committees.

MOTIONS AND RESOLUTIONS

The Chair:

Under Motions and Resolutions, the Chair has two appointments.

THE CHAIR PRESENTS

No. 1090 Resolution APPOINTING F. Michael J. McGee, Ten Allegheny Center #713, Pittsburgh, PA 15212, as an At Large Member of the Pittsburgh Cable Communications Advisory Committee for a term to expire 12-31-98.

Also,

No. 1091 Resolution APPOINTING David N. Wecht, 5850 Centre Avenue, Unit 513, Pittsburgh, PA 15206, as an At Large Member of the Pittsburgh Cable Communications Advisory Committee for a term to expire 12-31-98.

Which were read.

The Chair:

The first nominee was suggested from members of the Cable Committee, I believe Mr. O'Connor submitted the second appointment of Mr. Wecht.

What is the pleasure of the body? We would like to get additional members on as quickly as possible.

You saw, extensively, their resumes and interests. I would like to ask, if there is no

objection, that we just approve them, so that they can begin to get to work; if not, we will have to bring them in.

What is the pleasure? A motion is in order. Mr. Cohen.

Mr. Cohen:

Mr. President, I agree with you. And, because of the work that needs to be done prior to this evidentiary hearing, I think it would be helpful to just move forth with, unless anybody has any objection. They are two -- from the resumes -- one of them I know personally, but even from the resume of the other one, they seem to be very qualified and would do a good job.

The Chair:

Are you making a motion to approve?

Mr. Cohen:

So moved.

MR. HERTZBERG seconded the motion.

The Chair:

Any other discussion? All in favor?

WHICH MOTION PREVAILED.

The Chair:

The motion carries. The two nominees are now appointed to the Cable Communications Advisory Committee.

We have other matters under Motions and Resolutions. Mr. Hertzberg.

Mr. Hertzberg:

I just wanted to request kind of a report on where we are with the Cable Advisory Committee, and is everything filled, or do we still need a couple?

The Chair:

We have two other Members At Large and one within the Council District, which is Wards 1 through 9, I believe.

Mr. Hertzberg:

I had a discussion with a member of my community that is interested, so I will try to get information.

The Chair:

Well, please, any Council Member, and if the public, if anybody would like to serve on the Cable Communication Advisory Committee, if you could please send us a letter or attach some kind of biography or resume, we are anxious to fill those other positions, and please let's try to do it by next Tuesday.

Any other matter? On another matter. Councilman Cusick, and then we will go to Mr. Onorato.

Mr. Cusick:

Regarding Envirotest. Apparently the State House and the Senator are both considering renegotiating with the EPA to allow us to use a Decentralized Air Emission Inspection Program instead of the Envirotest Plan.

Since the Envirotest Plan included only one site for the City of Pittsburgh, for 375 residents and would exclude our small businesses, such as garages' mechanics, I would like to request that the Clerk draft a letter to the Governor and to the State Legislature, in support of State Representative Kukovich and State Senator La Valle's proposal to delay the program and renegotiate with the EPA. Also, the Governor of Massachusetts right now is intending to stop this program in his state, and I think it would be to the best interest of the City of Pittsburgh if we sent this letter.

The Chair:

There is a motion on the floor, picking up on Representative Kukovich's amendments.

Mr. Onorato for discussion.

Mr. Onorato:

That is what I was going to talk about, too. I support the motion; however, I would just ask, if you remember from last Tuesday's meeting, we discussed and I was going to bring today a written resolution. I put that on hold because of the developments that took place over the last seven days. I think -- and, also, because tomorrow the bill is up to talk with our Law Department, and I wanted to make sure we have this discussion.

I would like to share with the Clerk what I have written and work with Councilman Cusick and this entire body, and ask that the letter be held up at least till tomorrow's meeting is over, when we talk with the Solicitor, because I think it is very encouraging what you are seeing happening at the State level, and I think this body should slap itself on the back and get some credit here, because I think the rumbling that we made over the last two, three weeks, somebody heard it, and I am hoping that if we could help in any way, as we got to this point, we would do it in a proper way

The Chair:

But I think we are making it clear, we are for clean air, we support the Clean Air Act, however, we are dealing specifically with the implementation of a centralized system versus dealing with the small business owners.

Mr. Onorato:

Mr. President, and that came up last week. I want to make it clear, too. I am all in favor of the emissions testing and the Clean Air, too. The issue, Councilman Cusick mentioned earlier, and I mentioned last week, too, and I agree a hundred percent, is, who's going to implement it. Last week I spoke out for the small gas station owners, and I think everyone would agree that the decentralization would be a better system, both for the small business owner and for the residents having the options to go many places as opposed to a few.

The Chair:

Thank you. Mr. Cohen.

Mr. Cohen:

Thank you, Mr. President. I want to commend Councilman Cusick and Councilman Onorato, both who have been discussing this issue. The more I hear about how the State went about implementing this program, the more ridiculous it sounds, and I am glad that we are going to be acting as a unified body, because it just does not make any sense.

And, again, it does not have anything to do with clean air, we support clean air, but what the State had as a choice was to either have a decentralized system, where, as Councilman Onorato said very articulately last week, that it be the "mom and pop" garages and the repair shops that currently exist that do inspections, or whether the State steps in and tries to build these 88 inspection stations around the Commonwealth. It does not make any sense. And, the way it is currently done is that we are only going to have one in the entire City of Pittsburgh, and that happens to be in East Carnegie.

The Chair:

Well, possibly.

Mr. Cohen:

Well, hopefully it won't happen, but the way the State has implemented it so far, it is going to be chaos. So, we have to do at this level what we have to do and that is to support Alan Kukovich and the others who are trying to get back to a saner more rational system.

The Chair:

Thank you. Mr. Ricciardi.

Mr. Ricciardi:

Well, I will be brief, and I would like to echo all the sentiments of my colleagues. As we stated in the past, I think this body has been in the forefront of protecting the interest of those motorists out there who either own or lease their vehicles. We had stated last week that we believe on a local level if, along with West Mifflin, for example, if we stand up and say "no", any way possibie, that the State will get the idea that they will have to go back and do it a different way.

Everyone is for clean air. We are all for all the good things in life. We are for apple pie. We are just not for the way that they are trying to carry this out. So, it is a dire inconvenience. And, I would really like someone to look into the dynamics of all of this, just on how it happen. I think it is not a good way to proceed.

I still question a state employee, who now works for Envirotest, who appears, for some of the information and how it has gone through, over the talk shows and other news agencies, that he had something to do with writing the RFP. I wonder if that is true. The whole thing just stinks, and I think we should move forward and continue to say "no" to Envirotest in East Carnegie, and I applaud the West Mifflin Zoning Board for saying "no" out there.

The Chair:

Mr. O'Connor.

Mr. O'Connor:

I just think it should be noted to thank Councilman Ricciardi. Last week I was all set to vote for this, and I thought we had no choice, but his stubbornness and initiative, I think was instrumental in changing my vote, and I think it spread to the rest of the Members of Council, and it shows what one vote and one push can do, and we have possibly turned this thing all around, and I want to thank Councilman Ricciardi for his initiative.

The Chair:

Thank you. Mr. Hertzberg.

Mr. Hertzberg:

Thank you, Mr. President. I will join in on this letter in urging the State Legislature to try to revisit the whole issue and maybe change things around, get away from the centralized systems. But I think that is going to raise another issue. I do not want to sit here and be a cheerleader for something and not really take a look at the big picture. The big picture is there is a contract between the State of Pennsylvania and Envirotest to put all of these facilities throughout the State. I do not know what Envirotest is going to do if suddenly the rug gets pulled out from under them, but I think if I was their attorney, I would have a pretty good idea of where we would be going.

So, it is not just going to be, we're going to undo what's already been done, it is not going to be that simple. It is going to be pretty involved.

So, I do not want to send the public the message that, "Hey, we got it all straightened out, it's going to be all straightened out." That is not the situation. This is an extremely complicated situation.

I am not happy with the legislation at all and I hope something can be done, but it is not that simple.

The other thing that I keep hearing is about the locations. I mean if this comes, we got to be ready for it. The locations are pretty much what is designed to be. There may only be one that is proposed to be located within the confines of the City of Pittsburgh but that does not mean that is the only thing in the entire region. The other ones are simply located outside of the City. And, of course, it would be pretty strange for us to sit here and criticize the fact that they do not have more in the City when everyone in the City is fighting them.

So, I do not think that is one of the problems if we do have the centralized system, I do not think that there are so few in the region that it is going to be a horrible geographical design.

But, I would stand behind you in sending a communication to the State Representatives that are involved in the process.

The Chair:

Well, could I ask then, in light of the discussion, that Mr. Cusick and Mr. Onorato confer and draft the appropriate letter and work with the Clerk's Office in getting it out. It probably should go to all members of the House and the Senate.

Other discussion? Please.

Mr. Cohen:

It should also go to our Federal Representatives, I think. This all did start in Washington.

The Chair:

By listening to Tom Ridge's ad, you would never know that, but --

Mr. Cohen:

As these burdens often do, it started in Washington.

The Chair:

All in Favor? Opposed?

WHICH MOTION PREVAILED.

The Chair:

We have a post agenda meeting, a televised meeting, right after this with -- and I can see many in the audience are here -- dealing with Shared Living Arrangement and Group Homes, and I want to move quickly for that meeting to begin.

We have a couple other matters. Mr. Cusick.

Mr. Cusick:

In regards to Pioneer Avenue, Mr. President. I just want to thank my colleagues today for supporting Bill 1025, which gives us $30,000.00 to start to do some work up on the Pioneer Avenue Landslide.

Also, after the meeting, or some time through the day, I would like to share some photographs that were taken at the site, and hopefully that you will understand the devastation that these properties have gone through.

We are in contact with our United States Senate Offices at this time, both Specter and Wofford's office, and we are very hopeful that the Federal Government will step in, FEMA, and we can start some type of program here in Allegheny County or across Pennsylvania in regards to landslides and mine subsidence. That is our hope.

And, like I stated last week, we are not California, we do not have earthquakes, and we are not like the South, we do not have a lot of flooding, but we do have a lot of landslide and a lot of mine subsidence.

I would like to thank Councilman Onorato for going out again and visiting this site with me. Because of the devastation, we do not know if they can last through another winter because of the damage that has been done to the property.

It would seem to be I would hope that this Council will support me in sending additional letters to our State and Federal Representatives in regards to this just to make sure that we continue to push before the winter months come.

And, I will be bringing a draft of another letter to this body next week, and I ask you for your support then.

The Chair:

Thank you, Mr. Cusick. Councilman O'Connor.

Mr. O'Connor:

Yes. Very briefly. I recently held a Public Safety meeting in my Council District and had representatives from all the different neighborhood organizations. Needless to say, we -- as every neighborhood has their complaints, but we concentrated a lot of the COP and the 88 neighborhood Beat Officers.

After a heated meeting for probably over two hours, I realized, and I have realized it all along, but I think everybody is starting to come to the surface now, that we have a lot of problems with this COP program and a lot of misunderstanding.

Recently a rumor that has been going around all summer, I understand is coming to fruition, that the Beat Officers will have weekends off. I do not know about you people, but when I was a kid, Saturday night was usually the night we got in a little mischief.

I am just very concerned what direction this program is going. This program was brought -- the idea came from Council, it was funded through Council two years ago, I realize it was thrown together very hastily and there is a lot of work to be -- I had been told for the last six months

that we are going to make a lot of changes and improve the program. I personally have not seen those changes and I do not know that it is going, like I say, in the right direction.

So, I have talked to Councilman Cohen, who is in charge of Public Safety, and we are requesting that we hold a post agenda as soon as possible with the Administration, the Chief and the Head of the COP and all Councilmembers. I think we better get a hand on where this is going before it gets out of hand.

The Chair:

Very good. Councilman Cohen.

Mr. Cohen:

Thank you. Mr. President, as Councilman O'Connor said, the COP program is in need of repair. We have come a long way since, say, two years ago, when we did not have any full-time Beat Officers. We now have COP Officers in every neighborhood, and Mini Stations, Police Mini Stations, in many of our neighborhoods, but -- and that is a big step forward, and I think we need to acknowledge that. But at the same time I think the program does need to be overhauled.

I have spoken with police officers, the Zone Council officers, and members and many citizens, and although they appreciate the Community Oriented Program, there are problems. For example, every COP Officer, no matter where they are in the City, has to report to the Point Breeze Station for roll call every day. Now, for an officer who, say, is in the West End, or Beechview, or North Side, that is along distance, and they could take as much as an hour or more out of an eight hour shift, and that does not make sense, as far as I am concerned.

Also, I agree with Councilman O'Connor, the problem with the COP Officers taking weekends off, when, in fact, most crimes occur on the weekend. I do not think that there is a specific job description for these officers. Frankly, some of them think that -- in my view, think that they are social service workers, or recreation leaders, they aren't, they're police officers and they should have the full and complete arrest powers that a police officer has.

And, finally, I think there is a slant toward younger officers in the COP program, and I do not know exactly whether that is an order from the Police Bureau or whether it is just the culture there, but the younger officers should be able to learn from the veteran officers and it should be open to all officers.

I think what it comes down to is, the COP program is a separate program and I think it ought to be integrated into the whole Police Bureau.

So, I very much support and will co-sponsor with Mr. O'Connor a post agenda on this issue.

I do -- just to add to what Mr. O'Connor said in terms of the invitees. I do think we have to invite the Commander who is in charge -- the new Commander who is in charge of COP, and that is Lieutenant Edward Kelly, and I think we also should invite the presence, at least, of maybe all the officers of the six Zone Safety Councils around the City.

The Chair:

I agree. Mr. Onorato.

Mr. Onorato:

I would just like to add that, as I was a strong advocate for the COP program, I am glad we have it in place, but I am in total agreement with my colleagues that changes have to be made to the system.

I know on the North Side alone, I received several complaints regarding individual officers that go on Workermens' Comp, or get hurt and injured, there is really no replacement police for that particular neighborhood, and that is a big problem, because, as you know, this type of work, you got to expect that certain officers will be injured.

The other issue is the training, what exactly are we telling the new individuals that come right from the academy what we expect from them. I think we need a set policy. There are a lot of questions out there from our individual officers, and, unfortunately, what is happening is, the programs are only as good as the particular

individual that comes in and can just pick up without proper training to be a COP Officer.

I would ask that we also televise this post agenda and we invite the representatives from the neighborhood groups and get the message out there, because there are a lot of groups that might not be tied into the Public Safety Councils that have been calling my office and have been complaining.

It is amazing that when you look at the particular neighborhoods that I represent, I can tell you what neighborhoods are extremely successful with their COP Officer, and it is a combination of the officer and the community working together. And, the other areas where it is not successful, it is not because the officer is a problem or the neighborhood is a problem, it might be just because no one was there to come in to help organize it at the beginning and we just sort of said, "Go there and do your best job."

So, I think it is important, it is time to review it. The positive side is we do have police officers everywhere. I have seen visibility now that did not exist 12 months ago. But, let's make sure that we get the best possible benefit from these officers, and I think this is the time to do it.

The Chair:

Very good. Mr. Hertzberg.

Mr. Hertzberg:

Thank you, Mr. President. I compliment Councilman O'Connor on his initiative here. I think this is an excellent idea. I am looking forward very much to this post agenda hearing.

And, that is not to say that we do not have excellent people working with the Community Oriented Policing Program, we do, but I think we have reached the stage now where we no longer need to say, hey, it's just up and running, let's take a look at it. I think we have reached a stage in it where we can now take a look back over time and see what some of the problems have been and now start to refine the program and make it function as best as it possibly can.

One of the things that always bothered me about it was the whole concept of this separate division, as Councilman Cohen had said, has to report to Point Breeze every day, and you run into a number of communication problems and a number of potential morale problems with a whole separate division of police that has to somehow function with the standard zones that we now have and with the commanders of those zones. I do not see it functioning that well together in its current makeup, but that is not to say that I am any kind of expert on the topic. That is why I would like to have everyone involved come down here, as you have suggested, and tell us what they think, and I hope everyone can be open about this and not have to second guess, and be concerned about their positions, that we can all sit down and talk about what is best for the people of the City of Pittsburgh.

The Chair:

I think we should note that the Mayor has recognized these problems, not only from our discussion but from many of his town meetings. He has asked for a formal report and response and evaluation from Chief Bufford, and hopefully this post agenda could really lay out on the table some of the concerns that we are talking about.

Mr. Cusick.

Mr. Cusick:

I would agree with holding a public hearing, as Mr. O'Connor has stated, but I think that we should recognize what Mr. Cohen brought up, is that we do not have a lot of veteran police officers as a part of the COP program, and I would -- I think that there is some madness to the method of relieving these officers on Friday and Saturday for right now, and that is to attract some veteran officers at this time.

I applaud Lieutenant Kelly for initiating some type of incentive to the veteran police officer for -- at this time. I think that really is the method of madness here that the Police Department is trying to accomplish.

I would ask my colleagues to get in touch with Lieutenant Kelly, ask him for some explanation. I think that they would be satisfied to know that he is looking for more veteran police officers to get involved, so that our COP Officers

can watch some of the vets out there and see how they do their job.

The COP program, I also would agree with Mr. Cohen, has a lot of different problems in it and those, too, can be brought up at the public hearing, and I very much would support bringing them down here.

The Chair:

Very good. Mr. O'Connor and Mr. Cohen, we will wait to hear from you on the scheduling of the post agenda, the televised post agenda meeting, and the Clerk's Office is available to help communicate to the Zone Safety Council Officers and other Block Watch leaders, who I think would be interested in attending and participating in the discussion.

Any other matter under Motions and Resolutions? I would like to move to the televised post agenda on Shared Living Arrangements and Group Homes.

Mr. Onorato:

So moved.

MR. COHEN seconded the motion.

WHICH MOTION PREVAILED.

The Chair:

We have a number of other leaders here.

We need a motion to approve the Minutes.

MR. COHEN moved to approve the Minutes of Tuesday, September 20, 1994.

MR. RICCIARDI seconded the motion.

Which motion prevailed.

And on the motion of **MR. ONORATO**

Council adjourned.

(COUNCIL'S COMMENTS ON THE APPOINTMENTS OF CLIFF MERKELL AND CYNTHIA ESSER - Wednesday, 9/21/94)

Mr. Merkell:

Cliff Merkell, 1100 Liberty Avenue, Pittsburgh, PA 15222.

Mr. Onorato:

Once again, you have the opportunity if you want to address Council; if not, we will go into questions.

Mr. Merkell:

We can go into questions.

Mr. Cusick:

One question real quick. 1100 Liberty Avenue, is that a business?

Mr. Merkell:

It is The Pennsylvanian, by the train station there.

Mr. Onorato:

Pennsylvania Apartments?

Mr. Merkell:

Yes.

Mr. O'Connor:

He is not only smart enough to live in the city, he doesn't have to pay parking when he comes here, so it is and asset for people that live and work in the city.

Mr. Onorato:

Councilman O'Connor, any questions?

Mr. O'Connor:

I read your resume. You certainly have a nice background. Again, I wish you luck. Thank you for serving.

Mr. Ferlo:

Well, it is nothing personal, but I am not going to vote in favor of you, as I have in the past for other Administration people. Basically the Administration stacks the Water and Sewer Authority with key directors, deputy directors. They represent the majority, and I don't agree with that. I would rather see these authorities act with some level of independence and they would not with your additional representation on the Authority. I voted against Lew Boreman when he was the press secretary for the Mayor, I voted consistently in the past for other people. So it is nothing personal, but I don't believe you should be on the Authority representing the Administration. They have the majority right now.

The Authority has lost its independence. If it wasn't for Mr. Ricciardi watching out for things, we would be all the worse off. I am not going to vote in favor of you.

Secondly, just on a practical matter, given your other assignments on pensions and on refashioning the onerous health care obligations that we have at the municipal level, I think practically on the amount of time and all the other responsibilities that to me are a greater magnitude, that is the other reason why I wouldn't support you.

Other than that, welcome to the City of Pittsburgh, having come from Chicago, which is another problem I have with you, but that is another issue.

Mr. Onorato:

Any other questions?

Mr. Merkell, I want to say I think it is healthy to see that you do have your CPA license and it is good to have, maybe, a numbers guy over there. I hope you keep a sharp eye out just watching the debt service, reimbursement policy. And I will be supporting you. I agree with Councilman Ferlo that with Councilman Ricciardi, hopefully the independence is there and the review of the numbers and the finances takes place. I wish you well.

Mr. Merkell:

Yes, I guarantee that.

Mr. Onorato:

Any other questions? We will move on.

I am not sure if they are both here or just one person, I am going to give both names, Cynthia T. Esser and Edward Sweeney, two nominees for the City Planning Commission.

I take it Cynthia is here. Edward is not here, so we will hear from him next Wednesday. He is out of town. We will try to schedule for next Wednesday.

Give your full name and address, please.

Ms. Esser:

Cynthia T. Esser, 1122 East Carson Street, Pittsburgh, PA 15203.

Mr. Onorato:

Once again, this is a nominee for the Pittsburgh City Planning Commission.

You have an opportunity for an opening statement or to go to questions. Please speak into the mike because we are cable-cast across the city.

Ms. Esser:

I would like to just point out a few things on my resume. I have been involved in the South Side community quite extensively as far as planning and development. My experience on the South Side Local Development Company as a board president and real estate development president I think has given me a lot of insight and experience into planning. I think there are a lot of key issues facing the city now with riverfront development. I did sit on the Committee for Riverfront and Neighborhood Plans which were written for the South Side community and feel that I brought something important to the table.

I also feel that bringing the community's perspective to the Planning Commission will be an important part of my role if I am selected for this position.

Mr. Onorato:

Questions? Councilman Ferlo.

Mr. Ferlo:

I want to applaud the Mayor and others for your appointment, because I think you will be a great addition to the Planning Commission. I think in addition to your paid responsibilities over the years -- and I had the pleasure of working with you -- you have been in front of that podium many, many, many times in the last many years. It is clear you are extremely bright and articulate, but I think you are very forceful and persuasive in articulating what the concerns are, and I don't think you have done that in very parochial or myopic way. I think on all the different times you have been up there discussing issues, there are times when you have been what many would consider pro-commercial or pro-development, pro-neighborhood. You have really helped at least me as an elected Councilmember better appreciate a lot of the intricacies of land use policy. I applaud the appointment.

The composition of the Commission often times has been weighted by the East End, which I come from, but I think I always stated in the past that the Commission needs to include representatives south of the river, north of the river, in the West End, Mr. Hertzberg's district and other places. I am glad to see that. I welcome you to the Commission. Keep your independence.

I think on the immediate level, though, given some of the issues that this municipality, the Zoning and Planning Commission will be dealing with over the next couple of years here in Pittsburgh, I think it is clear that the south of the river corridor, commercial and residential, will be some of the greatest impacts, whether it be casino gambling when and if it happens or the other issues of Station Square. You can go up and down the river and on the neighborhood level and talk about those issues. So I think it is good now strategically to have an individual like yourself on the Commission. I appreciate your willingness to volunteer and do all the hard work.

Mr. Onorato:

Councilman Ricciardi.

Mr. Ricciardi:

Thank you. Congratulations on your nomination; I am very excited and pleased about it for obvious reasons. I believe professionally you have worked with

the CDCs, but also on a volunteer basis you did a lot in the neighborhoods. So I think there is a nice, striking balance there.

Obviously, Mr. Hertzberg, Mr. Cusick and I applaud Mayor Murphy for beginning to make some appointments south and southwest of the rivers.

I have no questions because I have known you all my life. I congratulate you and look forward to working with you. I am pleased that your appointment goes to the year 2000. Congratulations if confirmed by this board.

Mr. Onorato:

Other questions?

I just want to express my concerns in the city, and I hope you keep an eye out for this topic; it becomes an important topic on the agenda as you enter the Planning Commission if you are approved, and I think it is one of the biggest threats in the city.

Currently I don't feel there is any control right now over the growing number of institutions that are being put in the neighborhoods across the city. I want to make it clear, I am not saying to eliminate them or remove them, I am talking about the growth of them. As you might have read, on the North Side, for example, Councilman Smith's and my district, we have a lot of social programs. They are good programs, but you get to the point where if you have too many in one area, you lose the balance. We were always told that they were trying to put individuals into the neighborhood setting, but what happened is we are losing the neighborhood setting to a complete institution, be it homeless shelters, be it residential resources coming in and buying properties and then renting out to MHMR, whatever the social institution might be.

If it gets to the point where the numbers of these institutions start outweighing the residential use -- and these were residential neighborhoods -- we got a major problem. I think that this is where the Planning Commission, the Zoning Board has to step up to the plate and say, "We recognize that we have to provide these facilities and we will do our fair share, but we will do it in the right way, in an even way, and do it across the county." Basically I am saying make sure you look out for protecting the city, both the neighborhood interest -- and from your record here, obviously you are

very strong in that -- and the institutions. We need some official game plan of how we are going to do this. That is what I am looking for.

Any questions?

Mr. Cusick:

I would like to congratulate you on your appointment. Like Gene said, it is good to see someone on the Planning Commission from south of the rivers. Congratulations.

Mr. Onorato:

Thank you very much. Have a nice day.

That concludes the discussion on the nominees.

(END OF REMARKS)
Transcribed by: Helen L. Kriebel
Stenotype Reporter

(COUNCIL'S COMMENTS ON BILL NO. 960)
(Wednesday, 9/21/94)

Mr. Ferlo:

Move for approval for purposes of discussion.

Mr. Hertzberg:

Second.

Mr. Onorato:

Discussion?

If I can just ask Council President to make a motion to amend by substitution, and we have the substituted legislation in front of us.

Mr. Ferlo:

Motion to approve by substitution.

Mr. Onorato:

Is there second?

Mr. Cusick:

Second.

Mr. Onorato:

All in favor indicate by saying "aye".

Mr. Onorato:

The substituted bill should be in front of you, Bill 960.

Mr. Ferlo:

On the substituted bill, what was the final percentage rate on interest?

Mr. Onorato:

If I can interrupt a second. If everyone could identify themselves one more time into the mike please.

Ms. Wiles:

Pam Wiles from Buchanan Ingersoll, bond counsel.

Ms. Jad:

Melissa Jad, Thorp, Reed & Armstrong, serving as underwriters' counsel.

Ms. Billak:

Helen Billak, RBZ Public Markets, the underwriter.

Mr. Onorato:

We have Director Hennigan at the podium.

Mr. Ferlo:

Where did we end up financially on the actual interest rate?

Ms. Billak:

The actual interest rate on the Series A bonds, which was the tax exempt portion, the three million three seventy, the interest rate was 6.04 percent. The Series B bonds, taxable bonds where the final amount was ten million two fifty, the interest rate on those bonds was 8.68 percent.

Mr. Ferlo:

Last week I asked a question, I don't know that I ever really got a clear answer, other than somebody decided they didn't want to do that. But given the amount of previous debt separate from this new debt that we are taking on for the needed or desired infrastructure improvements to the Civic Arena, of which we did receive a list last week, I am still unclear what the previous debt is and what that interest rate is. I am still perplexed as to why a larger sum of money, given the 6.04 interest rate, why someone didn't take the time to calculate whether or not it would be financially sound to borrow a larger sum of money and pay off the previous debt. I am still unclear on that.

Mr. Hennigan:

With regard to the Auditorium --

Mr. Ferlo:

I think what I asked is you had implied that you thought about that or had done something. I asked for some scratch sheets, arithmetic or math or some reflection that somebody went through that exercise.

Mr. Hennigan:

We had done that.

Mr. Ferlo:

Is that in the packet?

Mr. Hennigan:

Yes, it is. I would ask that Helen Billak summarize that.

Mr. Ferlo:

Can someone summarize that for us? At least for me who is not a financial wizard.

Ms. Billak:

We looked at the refinancing of the '85 and '91 issues. Right now there is not economic benefit to refinancing those.

Mr. Ferlo:

What is the total of that debt?

Ms. Billak:

I don't have a total. The bond issue, '85 is just one more maturity, I am not sure the principle amount of that. The principle debt on the '91 would be ten million seven thirty.

Mr. Ferlo:

What was the interest rate that those earlier bonds were floated at?

Ms. Billak:

Approximately 6.40. We are looking at 6.04 and when you add in cost of issuance and the transactional costs associated with that --

Mr. Ferlo:

Is that for both of the previous bonds were at 6.40?

Ms. Billak:

Approximately, yes.

Mr. Ferlo:

"Approximately" meaning close to 6.40 or 6.40 to 8?

Ms. Billak:

I have the range of interest rates on the prior issue, and those range from 6.10 to 6.50.

Mr. Ferlo:

Somebody figured out that the cost of issuance --

Ms. Billak:

Right. We did an analysis which is incorporated in the package.

Mr. Ferlo:

Why would there be a lot more cost of issuance if we are already paying on the cost of issuance for the dollars that we are borrowing here?

Ms. Billak:

Because a lot of those costs are associated, there are pro rata costs that are attributable to the par amount of the bonds, so the cost would go up as the par amount of the bonds went up.

Mr. Ferlo:

But nobody can give me that math specifically, or does somebody have that math?

Ms. Billak:

You have the costs associated with doing that issue in the package, and those costs of issuance would be $150,000 is the underwriter's discount, $64,000.00 is

insurance premium, and additional $25,000.00 cost of issuance. Again, most of those costs are a function of the size of the issue, so the larger the issue would get, those costs would be paid on sort of a pro rata basis.

Mr. Ferlo:

I don't remember the specific dates on A versus B; I think one was 2016, 2019.

Ms. Billak:

Correct.

Mr. Ferlo:

The Penguin lease expires in 2011.

Ms. Billak:

2007.

Mr. Ferlo:

2007, so there is that gap from 2007 to the end of the term of the actual indebtedness. I asked for you to present the legal language so I can be assured that -- you had stated -- "you" collectively had stated -- that notwithstanding the lease of the Penguins ending in 2007, that there would be no question that we would be held harmless and they would have the financial obligation to pay that bond. I assume they would be insured or bonded, whatever you call it, until the end of the term, which I think is 2016.

Ms. Billak:

I guess I would defer to Pam.

Mr. Ferlo:

Is that in this packet?

Ms. Wiles:

Yes, it is.

Mr. Ferlo:

We just got this yesterday. I don't know how many Councilmembers actually had time to review it; I

didn't, I will be honest with you.

Can you summarize or reflect that language?

Ms. Wiles:

Certainly. I am bond counsel from Buchanan Ingersoll, my name is Pam Wiles.

Section 2-H of the supporting agreement that is in your package, I believe it is attached to a letter that Mr. Hennigan received from John Rumin of my office, sets forth of language.

Mr. Onorato:

There are three packages that are wrapped here. I am trying to see.

Ms. Jad:

About a third of the way through, it is dated September 20th.

Mr. Hennigan:

It is this agreement right here, the support agreement (indicating).

Mr. Ferlo:

I think our packets are getting Xeroxed right now.

Ms. Jad:

Does somebody want mine? The language begins on Page 3 and spills over to Page 4.

Ms. Wiles:

This is my copy, but I will share it with you.

Ms. Jad:

I have another extra.

Mr. Cohen:

It shows true cooperation between Council and the Administration.

Ms. Wiles:

Section 2-H provides that the Authority has the right to require the Penguins to prepay the indebtedness if the SMG lease or the Penguins' lease expires. It also provides that the Authority has the right to require prepayment in the event of any breach by the Penguins of their covenant in some of your earlier bond options.

Mr. Ferlo:

Do they have the option of transferring this legal financial obligation if there was some potential sale of the Penguins in 2006? How do we guarantee that no matter what, either the Penguins, the Penguin owners, where is the guarantee that that is going to be paid?

Ms. Wiles:

The Penguins have covenanted to play a full schedule of league games at the Civic Arena each year. And in the event they breach that covenant, then the Authority has the right to require them to prepay.

I do not know specifically if they sell.

Mr. Ferlo:

What happens if the Penguins are sold in 2005?

Ms. Jad:

These would be binding on their successors and assigns. Just with like any legal obligation, you cannot rid yourself of that obligation.

Mr. Ferlo:

The successor and assigns clause is part of the document, the lease, that we are signing?

Ms. Jad:

Correct.

Mr. Ferlo:

Separate from this page that we are referring to here (indicating)?

Ms. Jad:

Correct. It binds the Penguins right now and if there were any sale of the assets of the Penguins, that would, in effect, transfer to the new owners.

Mr. Ferlo:

To ensure their financial wherewithal, are they posting a bond, are they taking on insurance? I mean, if somebody doesn't have money in their pocket, you are not going to get anything. What is the asset or what is the guarantee, what is the collateral? Do they get a bond? How do they guarantee this?

Ms. Wiles:

There is a first position security interest that the Authority has in the revenues, the improvements that are being made, which are I believe the new boxes and the sale of advertisements on --

Mr. Ferlo:

What about the sale of the team? Do we have -- what was the phrase you just used?

Ms. Wiles:

First position security.

Mr. Ferlo:

-- first position security on the sale of the team? That is where it has to be. If the team got sold in 2006, the first option that we should have to be paid back is from the proceeds of the sale, not on the boxes that are ours up at the Civic Arena.

Ms. Wiles:

We have a first position on that revenue stream, and if they would sell to someone else --

Mr. Ferlo:

What happens, God forbid -- and I am only projecting the worst possible scenarios -- what happens if they sell it to Monroeville? I am using that as an example.

Ms. Wiles:

Then they --

Mr. Ferlo:

We are going to get level with lounge boxes?

Ms. Wiles:

They would breach their covenant to maintain a team at the Arena and, because I assume Monroeville wouldn't have a team, then the Authority would have the right to require prepayment of the bonds by the Penguins.

Mr. Ferlo:

If it is not legally tied to the proceeds of the sale, what is the guarantee we will get paid back our money?

Ms. Wiles:

You would have a first position on those revenues that would come from the sale.

Mr. Ferlo:

Okay. I think that is okay. I have to review this language.

Mr. Onorato:

Further questions?

Mr. Ferlo:

Just to be clear, I am voting no anyways because I don't support negotiated bonds. And I am disappointed this Administration who earlier implied that they made a commitment to do competitive bonds, this is not brain child work, this is not a complicated bond issue. I think the issuing costs are too high. I don't see why this wasn't competitively bid.

Mr. Onorato:

Councilman, you shouldn't beat around the bush so much.

Councilman O'Connor.

Mr. O'Connor:

Following up on Mr. Ferlo, I agree to this, but I was under the impression -- are you telling me something else? This team's contract is up 2006, if they moved somewhere else, not be sold or anything, how would we get paid?

Ms. Wiles:

The Authority would have the right to require prepayment under a supporting agreement because the Penguins have breached their covenant to play a full game of seasons.

Mr. O'Connor:

After 2005 they don't have to play the full season.

Ms. Billak:

If the lease were not extended, you also have the right to require prepayment on those bonds.

Ms. Jad:

That would be an expiration of the lease.

Mr. O'Connor:

If they, for whatever reason, they want to go to another city, another area, Monroeville, they have to pay the money back?

Ms. Wiles:

The Authority has the right to require it.

Mr. O'Connor:

I am not a lawyer. I see him shaking his head, the gentleman who manages the Penguins.

I want a guarantee they will pay it back no matter what, unless they go Chapter 11 or under, then we can't get anything, but we at least have the improvements.

If they go out of business tomorrow, next year, ten years from now, this is different from the Pirates. The Pirates, we are talking if they leave they are worth

$200 million, all that stuff. If they go out of business, they are broke, nobody can get anything. We have the improvements, that is one thing.

If they stop playing for whatever reason, legitimate, move, sell, whether it be 2000 or 2006, they decide their contract is up here in Pittsburgh, they want to move on, before they move on, they have to pay us?

Ms. Billak:

That's right.

Ms. Wiles:

The method for that is through the Authority.

Mr. O'Connor:

I want that for the record. It is guaranteed we get money back. The only way we wouldn't get paid is if they would go bust, their team folds, and the only thing we have then is a nice scoreboard and new seats.

Ms. Jad:

It really covers two scenarios; the cessation by the Penguins of playing a full season at the Civic Arena, which could happen obviously before the expiration of the lease or, alternatively, expiration or termination of the lease.

Mr. O'Connor:

How about if there is a strike, do they still pay?

Ms. Jad:

Technically if the Authority exercises its option, that is a cessation of a full schedule at the Civic Arena.

Mr. O'Connor:

We did this friendly, that we were going to give them a better deal. Under no circumstances should the taxpayers be stuck with any payments.

Ms. Jad:

There is at least a colorful argument that that would be a cessation of a full schedule at the Arena.

Mr. O'Connor:

You are saying if there is a strike and they only play half a season through no fault of the Penguins, maybe it is not their fault, they still have to pay. Do they have to pay their rent?

Ms. Jad:

I don't know.

Mr. O'Connor:

We don't get our percentage on the tickets because there aren't any ticket sales.

Mr. Onorato:

If you are going to respond, you have to go to the microphone. You can't yell from the audience.

Mr. Hennigan:

This is Don Patton, Chief Financial Officer of the Penguins.

Mr. Patton:

In answer to your question, if there is a strike, we are obligated to, under the support agreement, to make repayments on a semi-annual basis. The provisions to accelerate the bonds would be if we are not making the payments, A, B, if we no longer pay a full schedule of NHL games in the Civic Arena. So if you are looking at if there is a strike, we are still obligated to make the payments under the supporting agreement. If we don't make those payments, then there is a notification provision and there is a debt reserve fund in the amount equal to at least one year's payments. So in the event of a strike, you have at least a year before any other payment would be due, assuming that we don't make the payment.

Mr. O'Connor:

We are guaranteed one year if there is a strike?

Mr. Patton:

You are guaranteed one year.

Mr. O'Connor:

After that, the Penguins, for whatever reason, if you didn't have a season, the players, you couldn't make the payment?

Mr. Patton:

Then that is the point at which --

Mr. O'Connor:

I am saying worst case scenario. Do we say "Okay, you can't pay," we can make an option of carrying you until something works out, or are we like, you know, the creditors, that we are first?

Mr. Patton:

You are a secured creditor.

Mr. O'Connor:

Are we first or last?

Mr. Patton:

You are first on certain revenue streams and behind certain other secured creditors, which is why there is an inter-creditor agreement.

Mr. O'Connor:

If Mr. Baldwin makes some bad investments, say he buys something else, similar to what happened in Baltimore; probably one of the richest owners, et cetera, all the sudden he had to sell the team and he had problems. If this thing goes through, then we -- tomorrow if it went out, $9 million of the Penguins is ours? If the Penguins are worth, say, 50 million --

Mr. Patton:

Let's take your questioning to the scenario that in the event that the team is sold to another operator and there is an outstanding liability, your credit will be paid out of the proceeds of that sale if there is a demand for the payment.

Mr. O'Connor:

Do we have an agreement -- and I am not up to date on the Penguins like we are the Pirates -- but do we have an agreement for whatever reason if you said, "We are not making it here, we want to leave," do we have a covenant to find a local owner similar to the Pirates? Like we have six months to finds a buyer for the Pirates.

Mr. Patton:

No, you don't have that agreement. What you have is an agreement with SMG that we have exercised options to require us to play here until 2007.

Mr. O'Connor:

If you were to leave for whatever reason, the new owners, new city, would have to pay -- you would be paying two rents, essentially?

Mr. Patton:

Yes, we would have to settle financial obligations here in Pittsburgh if we chose to leave.

Mr. O'Connor:

This is one of them?

Mr. Patton:

That's right.

Mr. Cohen:

Thank you, Mr. Chairman, thank you, Finance Director.

Do you have the debt reserve now that you just spoke about? Is the debt reserve actually created already?

Mr. Patton:

It is not created. It will be part of the proceeds of the bonds issuance. We are required to borrow more than we need, put that in reserve at the time of closing, and then those funds will be available. We are, in essence, having to borrow $1 million more than we need.

Mr. Cohen:

That is immediate upon the assumption of the debt?

Mr. Patton:

That is correct.

Mr. Cohen:

Following up on Councilman O'Connor's question, obviously there is no six month option like there is with the Pirates, because there hasn't been the kind of taxpayers' funding going to the Penguins as has gone to the Pirates. But at the same time, I assume that any future buyer of the Penguins -- let's hope this doesn't happen obviously. All of these are worst case scenarios. We want Howard Baldwin and the Penguins to stay in Pittsburgh forever. But if something should go sour, I assume that the buyer of the Penguins would have to assume this debt, just like the future buyer of the Pirates has to assume the URA debt?

Mr. Patton:

That's correct.

Mr. Cohen:

That is legally blocked in, that is required?

Mr. Patton:

Yes.

Mr. Cohen:

My only other question is to the financial people at the table here, and that is there was a half million dollar difference between the bill before us last week and the actual amount of the bond, I think it was 13,600,000 as opposed to 14,050,000. Now that we know the interest rate, what is the actual bottom line price of the bond?

Ms. Billak:

The amount of the bond is 13,620,000, is the principle amount of the bonds. That is divided between Series A, which is 3,370,000 and Series B, which is the taxable portion at 10,250,000.

Mr. Cohen:

Okay. The bill that is summarized in our paper says 14,050,000, so the bill that we actually pass today will be 13,620,000?

Ms. Billak:

That's correct, the amount of the bonds is 13 million.

Mr. Cusick:

I want to get some clarification here on how this is going to work. I may have missed it, I apologize if I have.

What is being put up as collateral?

Mr. Patton:

Putting up the revenue streams from the boxes being constructed this year, there are six new boxes, plus one that we previously occupied, we put that up as collateral. We put up the new seats, boxed seats that we are constructing, as well as the revenues from the scoreboard that will be purchased, new video scoreboard. And also, we are putting mini-score boards underneath the E balcony for the benefit of the seat patrons, and any revenues that are derived from that advertising will be pledged. Those revenue streams in the first year are projected to be about 1,250,000, which is more than the maximum annual debt service under the bonds. And while the maximum annual debt service declines, the revenue streams are expected to increase over the term.

Mr. Cusick:

So when you talk about boxed seats, you are talking tickets?

Ms. Wiles:

Revenues.

Mr. Patton:

Revenue streams.

Mr. Cusick:

The proposal you put out this year, you were

going to reduce the price of tickets $11.00; is that correct?

Mr. Patton:

Yes.

Mr. Cusick:

Does that change the value of the collateral?

Mr. Patton:

No. None of the tickets that we are referring to -- the tickets that we have reduced recently as of last week are in the E balcony and F balcony, not in the premium seat areas that we are talking about.

Mr. Onorato:

Councilman O'Connor.

Mr. O'Connor:

One last question, since we are following up a little bit on Mr. Cohen.

For whatever reason the Penguins can't play or pay, whatever, SMG is still responsible?

Mr. Patton:

No.

Mr. O'Connor:

They are out of it?

Mr. Patton:

Yes. The support agreement is directly with Pittsburgh Hockey Associates, not with Spectacor Management Group or your lessee, Pittsburgh Arena.

Mr. O'Connor:

How long of a lease do we have with them?

Mr. Patton:

I believe their lease is through 2007 and they have then 14 additional five year options to renew.

They are required in order to renew an option to have, as I recall, the Penguins play there.

Mr. O'Connor:

Okay. So if Penguins are not there --

Mr. Patton:

SMG can't renew.

Mr. O'Connor:

Somebody did something right in that 99 year lease? My God.

The reason I am supporting this, too, is even if, for not just the Penguins' support, but all the improvements we are making there, the seats, the score boards and all that benefit everyone who ever uses the Arena for any kind of event, whether it be Pitt basketball, concerts. So it is and asset to --

Mr. Patton:

It is truly an asset to the Arena. The reason the Penguins have agreed is because right now under the terms of the agreements in place, the Penguins benefit substantially from the revenue streams. We are willing to improve the Arena in that regard. It was one of the commitments when Howard Baldwin made when he came and spoke before the Public Auditorium Authority.

However, you make an excellent point, that absent the Penguins from this equation, what you have is a modern facility that is economically viable to support a team, which is one of the reasons why we are able to feel the team we do have here in Pittsburgh -- the number of premium seats in other cities, like Philadelphia where they have to go out and construct a new arena, one of the principle reasons is the number of premium seats in the old spectrum are lacking, whereas here, we have this.

Mr. O'Connor:

Although you are the major tenant, everyone else benefits?

Mr. Patton:

That's correct.

Mr. Onorato:

I have one question or a couple questions, I don't think it is that many, though.

Director Hennigan, I asked last week and I don't see it listed here on the response, the question regarding the guarantee again.

Maybe I was wrong if I don't understand the way the revenue is shared, but it is still 50/50, correct? The city is 50, the county is 50?

Mr. Hennigan:

With regard to debt service, correct, for the Auditorium Authority, correct.

Mr. Onorato:

The Auditorium Authority, how is that set up for sharing in revenue?

Mr. Hennigan:

I think we should ask Mr. Kiesel from the Auditorium Authority.

Mr. Onorato:

My question, while you are walking up here, I am on the Stadium Authority and that is only a city authority and I know the way it goes between the management company, between the city, between the franchises. But now on this authority, we have another player, and that is we have two levels of government plus the franchise. So give me an idea what kind of profits, revenues, and where they go.

Mr. Kiesel:

The Authority receives no income from the Civic Arena whatsoever, we don't receive any income from the Penguins, nor do we receive any income from SMG. The only income that is generated from the Civic Arena is the parking tax, amusement tax, business privilege and mercantile taxes, all of which are city items. To my knowledge -- Mike, you'd have to correct me -- I don't believe the county receives any taxing from the Civic Arena.

Mr. Onorato:

I wouldn't think so, either. Does the Authority receive any revenues at all, then?

Mr. Kiesel:

We receive no revenue from the Civic Arena at all. We have the obligation of maintaining it because it is a community asset.

Mr. Onorato:

What is the function of the Authority besides going out on bonds and using the money to renovate? I take it you also pick the person that runs the facility?

Mr. Kiesel:

We did not pick the person that runs the facility. That was part of a buy-out agreement between the DeBartolo Corporation and the Pittsburgh Hockey Partners. SMG bought the rights to the lease from DeBartolo and the hockey team bought the hockey team. So we did not exercise any kind of control over this selection of the operator.

In the past, prior to DeBartolo Corporation taking over the operation of the Arena, the Public Auditorium Authority operated the Civic Arena.

Mr. Onorato:

Do we have a response to the question that we sent? I asked it at Council last Wednesday and there was also a letter that went out September 15th asking for discussion on how we had arrived at the 50/50 sharing. Last week the answer was historically it has been that way, and I asked for more detail. Does anyone have the answer to that question?

Mr. Kiesel:

I don't have any detail on it. We went back through our archives back to minutes from meetings in 1958, all the way back that far. There is nothing in it that dictates any reason why this split is 50/50. It originated, I believe, at the Support Agreement in 1958 where the city and the county both took on equal responsibilities in financing the Public Auditorium Authority.

Mr. Onorato:

I am not here to pick a fight with any particular group, and you know, I am all for that we have to be working together for the region to move forward. But 1958 is not 1994. I just have this feeling with facilities like Star Lake or if a new arena was built in Monroeville, I don't think you would ever see an agreement where Monroeville would share half the debt and the county would share half.

We are a municipality within the county, and the point was made last week by Councilman Cohen that we are county taxpayers, also. I would guess and I think everyone knows this, if you do look at the population in 1958, the percentage between city and county would be alot different. And that somewhere along the line, I don't know if it should be the consultants or who should be responsible, but that is a critical part of this agreement. It appears that it wasn't even reviewed and we just took the history of what was done in the past and just assumed that everybody should move forward with it. I think that should have been brought up somewhere along the discussions.

I don't think we are in a position now to kill the deal over that issue, but I think we are putting everybody on notice that this body is very serious over that. Not that we don't want our fair share. It is just like when there was an event at the Arena, it is our city police force that controls the crowd, and we don't complain about that because we do get the revenues from the Arena and we don't want to be knit-picky. But this is a big item. This is $14 million of just one bond issue. If you look at all the bond issues that go out, 50/50 in today's environment makes absolutely no sense. If somebody could explain to me why that is logical, I would buy it, but I haven't heard it. I know the argument is that we split the board voting power, it is 50/50 and one joint, I think is how it works, but that was established back in a time when the environment was totally different. I am not so sure that as an elected official in the City of Pittsburgh that an equal voting power on the Auditorium Authority is worth taking on the responsibility for half the debt service. I think we really should rethink this issue.

Mr. Kiesel:

I have advanced all those ideas to members of our board and our board chairman so that they could take them under advisement and if they thought appropriate,

discuss it with the city and the commissioners.

Mr. Onorato:

If you look around what is happening, the county gave out I think 3 and 1/2, 3 percent raises, we just laid off 95 people. We don't have this kind of money and the resources to back up half the county for an event where 70 percent of the attendants come from outside the city. This is truly a regional facility now, it is not a city or half city facility, it is a county facility and we are a pig part of that county. I think that we should be getting back to where we are treated as one, as opposed to two. This isn't the only place this happens. There's a lot of the agreements that are in existence where it appears the city is taking the brunt of it and the actual purchasing power and financial power is no longer in the city. If you look at the ring that circles the city, we are creating a disaster here. I think this is a case where a person that lives in the city is truly getting whacked twice for the payment and the debt service here.

So I would ask that this bond issue or any other issue where both are involved, that that clause truly get reviewed and ask for a change in the 50/50. If it is not changed, a good explanation why it isn't.

Today I am not satisfied with the explanation and I think it is just based on history, something that was overlooked, and hopefully it won't be again. We are spending a lot of money for professional services that deal with these bond issues and I don't want boiler plate clauses just to come forward because they have been there since 1958. Stating that, I think everybody is on notice of how I feel.

Mr. Ferlo:

I think we need to add to this a little bit.

We have a county administration now that has announced a cut in the county real estate property tax, which I think that is wonderful, but illustrates the point Mr. Onorato talked about earlier, where we have an administration in a budget crisis in the city that, you know, unfortunately caused the layoff or termination of close to 100 employees at the time that the county is saying, "We will give back tax revenue from property tax." At the same time, the county has the upper hand and controls millions of dollars from the hotel tax money, which we don't have the benefit of. Yet, we are

actually the living room for the region. We disproportionately contribute to that pot of money by having the larger hotels here in the City of Pittsburgh, and if you do any kind of economic analysis of the presence of the Civic Arena or the Penguins being here, just the way the CMU study did for the Pirates, it would reflect that there is an economic generator here and that economic generator effects hotels and commerce outside of just the City of Pittsburgh proper.

So I think for all those reasons, as well as the fundamental population shift from Davey Lawrence's days of 1958 'till now, it would suggest that the 50/50 split on debt service is not an equitable arrangement and it should be fundamentally addressed by Mayor Murphy and his Administration.

This debt service, to put it in more simple terms, our current debt service for the Arena I believe is 1.4 million this year.

Mr. Hennigan:

1.3 million.

Mr. Ferlo:

This debt service adds I think another 126,000.

Mr. Hennigan:

140,000.

Mr. Ferlo:

It went up a little bit since last week. That is $140,000.00 that we now have added to the already existing 1.3 million debt service. That is money that we take right off the top of the city tax dollars operating budget, that is on top of the 8 million that the Administration floated for the last Pirate deal. At the same time, the Administration is saying our debt policy statement doesn't make sense, that the per capita debt for the city is unbelievably high compared to any other major urban area around the country, and yet we keep feeding that mania. Something has to change.

Mr. Onorato:

I thank you for that, Mr. President. Let me just make one other point, too.

I appreciate this memo that came by, but I have to admit I was disturbed that that issue wasn't addressed on here because it definitely was one of the big discussion points last week. I can't believe that anyone would forget that that was brought up; that was one of the major discussions. So that type of an issue in the future, this Council, when we request a response, even if it is not what we want, we would like to hear an explanation in writing or at least come forward and say what it is before we have to ask again.

Ms. Wiles:

Mr. Chairman, if I could mention, there was in a letter that was in the package, I believe, I didn't see the final package, but John Rumin did send over a letter discussing that they had reviewed the Authority's documents to try to find something based on the 50/50 revenue.

Mr. Onorato:

I am looking at the front page where it has the items that were discussed, and I don't see it on there, A through F. If it is in there, then I apologize, but I didn't see it on the agenda.

Any other questions? Councilman Cohen?

Mr. Cohen:

Briefly, Mr. Chairman, on the same issue, I don't want to go through it again, I think I made my views very clear last week and they are reflecting yours, Mr. Chairman, and also Council President.

I think what we are doing here is we are putting everybody on notice, particularly our Finance Director, who I believe agrees with us on this issue, but on notice that the next time a bond issue comes before this Council which has a 50/50 split between the city and the county, we are not going to accept it, just on basic principles of fairness and basic principles that the burden cannot be any greater on the city taxpayer than it is now. I think that is an appropriate way to go about this.

Mr. Ferlo:

Can I add to that? What is the payroll at the Arena? Is it 50/50 city residents, county residents?

Mr. Kiesel:

I have no idea.

Mr. Ferlo:

I am asking the big guy back there.

Mr. Patton:

Unfortunately, I don't know what the payroll is of SMG which manages the Arena, and frankly, I have never looked at our payroll, whether it is city or county related.

Mr. Onorato:

Could you give us that?

Mr. Ferlo:

I think for 50/50 we should have 50 percent city residents working at the Arena.

Mr. Onorato:

If you can give us a summary of that.

Mr. Patton:

I am not the Arena. I represent the Penguins.

Mr. Ferlo:

Whomever, DeBartolo, SMG.

Mr. Onorato:

You are not going to have it for this vote, but I would like to have that.

Mr. Ferlo:

Let us know as a follow-up.

Mr. Patton:

I will inquire as to the Arena and to the Penguins.

Mr. Ferlo:

If any city resident needs a job, they should

call you at the Arena.

Mr. Onorato:

If I can make a note, too, that Council President Ferlo made reference to the hotel/motel tax when you were listing the revenues of the Authority. There are a lot of benefits to the county with this Arena, too, and it is that tax, because this arena helps bring people into the hotels and they control the revenue from the hotel. As I said last week, there are also real estate taxes that are involved. So I think that we made our point.

Mr. Hertzberg:

Let's say we approve this bill and the Mayor signs off. Does someone else provide the actual 13 million or does that come in as the bonds are sold?

Ms. Billak:

That comes from the proceeds of the bond sale.

Mr. Hertzberg:

They have to sell, then?

Ms. Billak:

Yes.

Mr. Hertzberg:

We, of course, expect them to with the interest rates that they are being issued at and with the market that is out there.

Ms. Billak:

That is correct. The closing is anticipated on this on October 25, is when we anticipate the settlement on the transaction.

Mr. Hertzberg:

That would be when they would be available to the public?

Ms. Billak:

That is when they physically would exchange

money, they would settle on the bonds. The bonds are currently available to the public through the underwriters.

Mr. Hertzberg:

They will be available when?

Ms. Billak:

They are available now. They are being sold now.

Mr. Ferlo:

I am sure RRZ presold them.

Ms. Billak:

They will settle on October 25. They are currently being offered to the public as we speak.

Mr. Hertzberg:

What happens October 25?

Ms. Billak:

That is when you settle up and money is exchanged between the purchasers of the bonds and the participants in the bond transaction will physically give money to the Auditorium Authority, as well as to Penguins through the trustee for the Penguin portion.

Mr. Hertzberg:

In other words, you anticipate by October 25 they will all be sold?

Ms. Billak:

Yes, everything will be done.

Mr. Hertzberg:

Every bond will be out and we will have 13 million that will be exchanged October 25?

Ms. Billak:

That's correct.

Mr. Onorato:

I want to end on this note: I think this illustrates exactly our point that we were trying to make yesterday with Council's early participation of these types of discussions, because if this Council right now wanted to vote no because of the 50/50, the media would portray it that Council is interfering and stopping a major bond, where the issue is we are putting you on notice that if we have to do that, we will take the heat. But if we were involved with this and being updated and reviewed through the whole process, this could have been caught early on and we would have had time to debate this issue. Yesterday we talked about the same thing dealing with the Pirate lease. It is for this reason, something we do not accept here, we don't want to be here at the last minute saying "No" because of one clause. it is a clause that I feel is very critical. So I think this illustrates why we want to be part of the negotiations, at least sitting in to hear what is going on in case we object to something.

Mr. Ferlo:

Can a city taxpayer buy one of those bonds or have they already been presold to institutional buyers?

Ms. Billak:

There are bonds available if a city taxpayer would like to buy them, yes.

Mr. Ferlo:

Who would they contact?

Ms. Billak:

They can contact me. I will give you a card.

Mr. Onorato:

Is there a commission?

Ms. Billak:

No, we will sell them at par.

Ms. Wiles:

I want to clarify one point so there is no misunderstanding.

The security interest that the Authority has is in the revenue stream of the amounts to be received in connection with the scoreboard and the revenue stream in connection with the new seats, it is not on the scoreboard itself or on the physical seats, to the extent there was any confusion on that.

Mr. Onorato:

Thank you. There are no other questions?

Mr. Smith:

Yes, Dan. I am going to create a problem here. MBE/WBE on the issuance of the bonds, is there a requirement, since it is more a dual entity, county and city, is there any requirement on MBE/WBE participation?

Ms. Billak:

I am not sure if there is a requirement. We do have a minority under co-manager in the transaction. Grigsby Branford is a co-manager on the transaction and are involved in distribution of the bonds.

Mr. Smith:

Could you get for my personal information what percentage they are handling in terms of passing through and working with?

Ms. Billak:

Yes, I can get that to you.

Mr. Smith:

Okay. Now I want to create another problem, and that is at the back end of the spending the $13 million. Is there an MBE/WBE program for the expenditures of those funds in terms of once we get money in our hands and they --

Mr. Kiesel:

We do have an affirmative action clause in the agreement and we do review the contractors. We are able to review the contractor's list of employees and subcontractors. We do not have a set side, because by statute we are not permitted to.

Mr. Smith:

Do you have goals?

Mr. Kiesel:

We do not have goals. We have the EEOC clause which -- you know, that there can be no discrimination in the hiring or ascertaining or acquiring subcontractors.

Mr. Smith:

Well, I will be requesting that the Authority look into creating an overall package, because part of this is the citizens of the City of Pittsburgh's repayment and we would like to assure that the people who pay the tax in this city that go straight to the bond indebtedness have an equal opportunity to participate. I think that it is important that we step that up and bring that into the 1990's, as many other authorities have done that. And it would be -- it would make it better or easier for me to say yes when I see everyone -- females, males, minorities -- get an opportunity to participate, and that it appears that when we spend $13 million, that they at least have access. So those are my concerns.

$13 million is an awful lot of money and I think that we need to work together at bringing the policies and practices, because I have been here a number of years, we have spent millions on the Arena when I felt that we were being blackmailed into spending the millions, and it was not what I perceive as an equitable opportunity, not asking for set asides, just an opportunity push by the groups who are about to bid everything to make it a part of the RFP that you work hard at including, because, see, we have a double problem here, and that is the county, as Mr. Ferlo pointed out, and the city, and is it equitable for who gets hired, who we spend this money with, especially since we split the money equally. After all, the city is 25 percent black; that would be a quarter of the employees in the city. So I think we just -- it only comes up when you want to get more money. We need to make it just a part of the overall policy so that it is not a fight at the table.

I'd just appreciate if we could all get together and work out the City/County and MBE/WBE. I am very happy to know that since there is no formal requirement, that you went ahead and worked that out. I

just want us to be pro-active in this. I am sure you will be back in a few years for some more changes.

Mr. Kiesel:

I will be happy to meet and discuss that with you. It is the goal of the Authority always to give everybody an equal opportunity.

Mr. Ferlo:

Could you supply this Council with a copy of the annual EEO-4 form filed by the Public Auditorium Authority?

Mr. Kiesel:

Certainly

Mr. Onorato:

And the original request for the make-up of the employees, if you could add to that the MBE/WBE requirement or the minority make-up of that list, I would appreciate it.

Any other questions? All in favor of the substituted bill?

Mr. Ferlo:

No.

Mr. Onorato:

One no.

(END OF REMARKS)
Transcribed by: Helen L. Kriebel
Stenotype Reporter

(MESSRS. HERTZBERG & ONORATO'S COMMENTS ON BILL NO. 905)
(Wednesday, 9/21/94)

Mr. Onorato:

If I can add, there was a list given out last week regarding the 50 largest billable false alarm accounts, and it was obvious reviewing the list that the problem was truly an institutional problem, not a residential problem. Within that 50, really 11 individuals had the major problem with what was going on. So the Public Safety Department, Miss Kraus agreed that they are going to have meetings with these top 11 to do a couple things. One, see what type of system they have. If, for example, an institution has just upgraded the alarm system and they are still being hit with all these fees, maybe they can see there is a problem. If they have not updated and it is a 20 year old system, then there is no leeway here, we are going after them, because we want the incentives to up-grade the systems. So there will be an interviewing system going on, a meeting going on, whatever you want to call it, to deal with these 11 to see what the problem really is. I think that will be very helpful.

Mr. Hertzberg:

Thank you, Mr. Chairman. I am just wondering how this is going to get phased in and whether we might want to add something additional. I have a constituent's list sitting back in my office where they currently have over three, and it shows the first three that were the three allowed. Now what is going to happen come January 1st? Is that fourth one now on an existing bill, where does that fall? I mean, existing bills stay where they are at? How do we phase this in?

Mr. Ferlo:

Effective January 1, technically speaking, another one of their penalties will be written off up to the amount of four. So if there is a court proceeding, it would only be the fifth alarm or greater.

Mr. Hertzberg:

I hope that can be understood.

Mr. Onorato:

We have Miss Kraus here, if she wants to come to the table and ask her a question about the

administrative.

Mr. Hertzberg:

I don't want to see people getting the same bill, in other words, after we pass this, based on somebody saying that is not what went on here, so we are all on the same page. You would have to revise the bill.

(Deleted text.)

Mr. Onorato:

This is effective January 1st. If somebody owes because of a violation of three from the prior year, they still owe, but on January 1, '95, they start a new cycle, or whatever the effective date is, and they get four. That is how you are going to start; correct?

Mr. Kraus:

Right.

Mr. Ferlo:

But it doesn't represent an amnesty.

Mr. Hertzberg:

If someone is sitting with a bill right now that has four, on January 1st they will still owe for that fourth one?

Ms. Kraus:

That's right.

Mr. Onorato:

Because it happened under the old law.

Mr. Ferlo:

This was a compromise. I am still not happy with this bill. My original bill would excuse a lot more of these penalties, because I still believe, especially on the residential small commercial, that a lot of people are being hit unnecessarily. But there didn't seem to be majority support on this Council, so I attempted to compromise.

Mr. Hertzberg:

So I don't leave this topic and I am sure we are on the same page, whatever someone's bill is currently, it will not be adjusted?

Ms. Kraus:

No.

Mr. Onorato:

That person still has the option to go in front of Housing Court and argue the case or in front of a city magistrate and argue the case.

Mr. Hertzberg:

There is another kind of question in my mind, too: When that would arise. It doesn't seem like there is any procedure for the taxpayer to initiate that. It would have to be initiated by the city seeking collection.

Mr. Onorato:

Could you explain that? A taxpayer, what is the option they have Downtown?

Mr. Kraus:

It would be better for Judge Machen to explain options a permit holder would have.

(Deleted text.)

Mr. Onorato:

In I can jump in because I sat in on the discussion. As Councilman Ferlo stated, obviously we weren't happy; this was a compromised bill. But that issue came up and that was the one we fought for last week. Part of these meetings which would include the university you are talking about and Allegheny Center Mall, that they are going to have to find out what is the problem. If it is that problem, for example, that kids are pulling the alarm in the stairwell and the system has been updated and they have the covers that the Codes require, then we will revisit it again. Right now, we don't want to just exempt them if they are not up-grading their system. We do want that incentive there. But if they followed everything they were

supposed to follow and put the money into the system and they have the covers and the kids are still breaking them, then we have a problem where we adjust it at that point.

(END OF REMARKS.)
Transcribed by: Helen L. Kriebel
Stenotype Reporter

MUNICIPAL RECORD

Proceedings of the Council of the City of Pittsburgh

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Municipal Record

ONE-HUNDRED TWENTY-EIGHTH COUNCIL

JIM FERLO.....President
LINDA M. JOHNSON-WASLER.....City Clerk
KURT J. SALAC.....Asst. City Clerk

Pittsburgh, PA
Tuesday, October 4, 1994

PRESENT:

Mr. Cohen	**Mr. Onorato**
Mr. Cusick	**Mr. Ricciardi**
Mr. Hertzberg	**Mr. Smith**
Mr. O'Connor	**Mr. Ferlo (Pres't)**

The Chair:

Good morning, ladies and gentlemen. At this time I would like to call to order the City Council's Legislative Session.

We have a quorum. Would you all please rise for the Pledge of Allegiance, and would you please remain standing for a moment of silent prayer so that we may have peace throughout the world.

We are very pleased to have a young man here this morning, nine years old, David Mika; he is from Edith Street in Mt. Washington. His mom is here, Cindy and his dad Gary, and I think his grandmother is here also. He is a 2nd Grader at Whittier School in Councilman Hertzberg's District, and we are very pleased that David is going to lead us in the Pledge of Allegiance. David.

David Mika:

I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

The Chair:

Thank you. I know he is the stepson of Jolene, also, who works for Councilman Hertzberg.

David, thank you for coming down here today, do good in school, and the City Clerk gave you the American Flag and the flag of our City, and we thank you for leading us in the Pledge of Allegiance.

PRESENTATIONS

The Chair:

We have a number of guests here this morning. We are going to go a little out of order. I have a number of City employees here and Housing Authority employees that we want to get back to work removing graffiti. I know Director Lowe is out there also.

So, at this time I would like to have the employees from Public Works and from the Housing Authority, please come forward.

I think you also recognize Jack Barley from the Department of Public Works.

Members of Council, I would like to move the following resolution:

THE CHAIR PRESENTS

No. 1092 WHEREAS, the plague of graffiti vandalism in all city neighborhoods and public housing communities mars their beauty and causes a deterioration in the quality of life for all city residents and business owners; and,

WHEREAS, the City of Pittsburgh and this Council has been waging a war against graffiti vandals who show no respect for private property rights by prosecuting these law breakers and by instituting a reward fund for public spirited citizens who provide information leading to the arrest and/or conviction of graffiti vandals; and,

WHEREAS, the Housing Authority of the City of Pittsburgh, spurred by the efforts and leadership of a work crew in the HACP Operations Department, has recently completed a herculean effort at eradicating graffiti blight on all their properties across this far city; and,

WHEREAS, this work crew, under the direction of Director of Operations, Mrs. Florence Arrington and Supervisor Mike Cordell, includes the following HACP employees; crew chief Gil Martinez, Jr., Pasquale Demicco, William Hill and Alan Turner; and,

WHEREAS, their targeted effort removing gang graffiti has cleaned up such communities as Garfield Heights, Bedford Dwellings, St. Clair Village and Northview Heights, with other communities to be cleaned shortly; and,

WHEREAS, the City of Pittsburgh, Department of Public Works and especially City Public Works employees, Tom Namiotka and Keith Klobuchir have gone far and beyond the call of duty in helping to rid our fair City of the visual blight of graffiti on public land and buildings throughout all of the City's 88 neighborhoods; and,

WHEREAS, numerous community organizations and good citizens have joined in this effort by working to remove graffiti and assisting local residents and merchants in dealing with the problem;

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh formally commends these fine and hard working employees of the Housing Authority of the City of Pittsburgh and of the Public Works Department for their outstanding work and progress at eradicating this nuisance and unsafe condition.

BE IT FURTHER RESOLVED, that Saturday, October 8, 1994, be declared "Graffiti Removal Day" here in the City of Pittsburgh and encourages all residents and property owners to do their fair share and remove graffiti or report unsightly graffiti that has not been cleaned to the City's bureau of Building Inspection for proper enforcement.

MR. HERTZBERG moved to adopt the resolution.

MR. ONORATO seconded the motion.

Which motion prevailed.

The Chair:

Thank you very much. I think the resolution speaks for itself, and I think, unfortunately, the problem speaks for itself. I think what I am excited about most is what the new Administration, both Mayor Murphy and his staff, through Public Works, as well as Director Lowe and the new leadership of the Housing Authority, along with the workers, in particular, I think we have a new sense of responsibility about a particular problem.

Years ago graffiti was unsightly, it may have been a nuisance, it may have been to some peoples' view, somewhat harmless. I think more and more as we see a proliferation of graffiti as we see the phenomena of gang activity and on-street criminal activity around the City, graffiti has all of a sudden taken on a whole different dimension. Particularly in the drug infested neighborhoods, not only within public housing but at critical corners in any one of our neighborhoods, we have seen graffiti now used as gang identification, as a location for retribution, as creation of turf and futons in the neighborhood and it is just not acceptable.

So, compounding an already existing problem with graffiti we have the added dimension of graffiti being a significant public safety problem. The best way to deal with the graffiti problem is to quickly remove it, and I am very pleased that the Housing Authority has a new

attitude, and I am very pleased that Gil and these fellow workers, for their leadership out there every day, early morning, including interacting with some of these gang elements. Because, again, gang members have used graffiti to declare a memorial to a fallen gang member, to indicate to people where drugs are acceptable for purchase, things of this sort. So, they are a little bit out in the battle field right now and we applaud them.

Public Works also has made an effort, I think they have reinvigorated their graffiti removal on parks' facilities and things of this sort. However, I would ask my colleagues, at the end of the year that we look hard at this issue, at least in Public Works, I know the gentlemen involved, I think are in an as-needed, six month a year position. I really think we need a dedicated effort year long and that is something we may want to talk about during the budget deliberations. I thought it was important to highlight the contribution of these employees, in particular, and continue Council's focus on this critical issue.

So, I want to thank all of my colleagues. Mrs. Arrington and Director Lowe may have a comment, Mr. Barley from Public Works, maybe even Gil, one of the workers, would like to say a few words. We also have Jack Heidenreich here, from Housing Authority; he is one of the Regional Supervisors, and a gentleman, Bob, from Auditing, or Accounting, or -- Purchasing actually, who was instrumental in helping us get the materials and the equipment to really put this effort together.

So, I guess in order, we will turn to Director, since he has the highest position here, and then also Mr. Barley from Public Works.

Mr. Lowe:

Thank you, Councilman Ferlo. On behalf of the Board of Directors of the Housing Authority of the City of Pittsburgh, and also on behalf of our workers who have done a yeoman's job out there, also on behalf of Director Florence Arrington, we would like to say "thank you", and we would also like to say to the tenants who live in the public housing communities, we're going to continue to work. And, thank you, Councilman Ferlo.

The Chair:

Thank you, Director.

Mr. Barley:

I would like to thank Councilman Ferlo at this time for sponsoring this resolution.

I would like you to know that the battle against graffiti is raging in our country. Originally this was considered a gang problem only a few years ago, graffiti is now mainstreamed as a youth problem in our country, it crosses all racial and socioeconomical boundaries.

To increase the City's effectiveness in fighting this rampant problem throughout the City, we have a graffiti team in place with the highest technology tools to assist in this program. Therefore, on the behalf of Mayor Murphy Administration, Director Kraszewski of Public Works, all the crews of the Department of Public Works Graffiti Team, especially Tom Namiotka and Keith Klobuchir, who did some cross-training with the people from the Housing Authority, I want to say "thank you" to this body for their efforts and their continued support in our efforts to remove the graffiti from the City of Pittsburgh. Thank you.

The Chair:

Thank you, Jack. At this time I would like Mrs. Arrington to come up and maybe introduce a couple of employees here.

Mrs. Arrington:

Good morning, and thank you. Thank you, Councilman Ferlo, and thank the City for their work with us in getting our program started; we have worked very hard. It makes a better life for the residents, as well as attracting new applicants coming into Housing.

The graffiti has been unsightly but these young men have worked and have removed over 200,000 square feet since August 23rd. We found that we have a lot of talented people who work with the Housing Authority. Gil Martinez, who has had background in using high pressure machines, and that is what we are using. So, Gil can tell you a little bit more about it and introduce the men working with him.

Mr. Martinez:

Thank you, Mrs. Arrington. I would like to introduce the crew. Bill Hill, Pasquale Demicco, Farren Mason, Al Turner and Emory Williams. There's a fine crew, very, very good crew.

I would like to also at this time thank the Honorable Tom Murphy, our Mayor. I had a chance to talk with him at his picnic, and he is very enthusiastic about what is going on here at the Housing Authority, as far as the graffiti and spray painting program that we had. And, also I would like to thank the Members of City Council. Thank you.

The Chair:

Thank you. Thank you very much, colleagues. At this time I would like to move back to the order of agenda, and calling on Councilman Dan Cohen.

Mr. Cohen:

Thank you, Mr. President.

Could Mr. Joey King and the Fire Prevention Division of our excellent Fire Bureau come up here, please.

Members of Council, and members of the audience, it is my distinct privilege to read this proclamation in honor of Fire Prevention Week.

MR. COHEN PRESENTS

No. 1093 WHEREAS, fire deaths due to smoke inhalation outnumber fire deaths to burns by more than two to one; and,

WHEREAS, smoke detectors are our first line of defense against fire; and,

WHEREAS, even though 90% of U.S. homes have at least one smoke detector, estimates show that about one-third of all homes that have fires have smoke detectors that are not working, usually because of dead or missing batteries; and,

WHEREAS, a smoke detector that isn't working can't protect us from deadly smoke and fire, "Test Your Detector for Life" is an important message to communicate to our community; and,

WHEREAS, the Firefighters of the City of Pittsburgh are dedicated to the safety of life and property from the devastating effects of fire; and,

WHEREAS, those members of the City's Firefighters are joined by other concerned citizens, as well as businesses, schools, service clubs and organizations in their fire safety efforts; and,

WHEREAS, it is especially appropriate this week to recognize the value and the accomplishments of Pittsburgh's Firefighters, especially those whose work supports fire safety education programs, such as the elementary school program, company inspection program, smoke detector campaign and other preventive measures.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh commends the City's Firefighters and encourages the citizens of Pittsburgh to participate in fire prevention activities at home, work and school and to heed the message: "Test Your Detector for Life."

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh declares the week of October 9-15, 1994, to be Fire Prevention Week in the City of Pittsburgh.

MR. COHEN moved to adopt the resolution.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

Mr. Cohen:

Thank you very much. As you all know, we have the best Firefighters in the world right here in the City of Pittsburgh, and they are particularly good at fighting fires, but at the same time, we also have a division, which is excellent at preventing fires, and honestly, we would rather be fighting to prevent fires than fighting fires themselves because of the destruction to life and property. When a fire occurs we all lose.

So, I wanted to take this moment to congratulate the members of the entire Fire Prevention Section of our Fire Bureau, as well as

the President of Local No. 1 of our Firefighters on all the hard work that they are doing to prevent fires in the City of Pittsburgh, as well as fight them.

So, what I would like to do is recognize all the people who are here and then have Mr. Joey King and Pete Micheli, the Assistant Chief of Fire Prevention, to say a few words. And, we have Pete Micheli, Jr., the Assistant Chief of Fire Prevention, Assistant Chief Robert Conley, Captain Robert Friel, Captain Richard Cunningham, Captain Tom Kelly, Lieutenant Robert Walker, and then the Fire Prevention Section of the Fire Bureau, Edward -- I know I am going to screw this up, but let's try it any way -- Jurczyk -- is that right? Robert Thomas, William Hardy, George Killeen, Marvin King, Henry Braxton and, of course, Joey King, the President of the Firefighters Local No. 1.

So, let's have Joey King and also Pete Micheli both come up here to accept this proclamation. Congratulations to both of you. Congratulations. There you go. Joey.

Mr. King:

Again, it is indeed a pleasure to accept the proclamation on behalf of all of the members of my organization.

I share the same sentiments as Councilman Cohen here, we do have the best firefighters in the nation.

One thing I want to just bring to your attention, and I will turn the program over to these professionals in this specific field, because being in the suppression part of extinguishment of fires, I am not particularly educated to that extent in prevention.

But, one thing I wanted to bring out is that along with the "Fire Prevention Week" and what the responsibilities are, we do have another program out in the City, where our firefighters, which there are approximately 900 of them, volunteered thousands of countless hours in what we call the Fire Safety House. It is a mobilized unit that travels around to the various schools in the City of Pittsburgh and educates our small children on how to evacuate a home. One of the most positive aspects of that program has proven itself just last week, where a small child who attended Arsenal Middle School exercised what she had learned in that Fire Safety House Program and took it and, unfortunately, suffered a fire in her parents' home, and through the knowledge and experience and education that she received from that Fire Safety House and our firefighters volunteering, was able to evacuate her whole family, including her parents, to a safe area.

So, these are the other kind of areas that we work on and it is a continuing effort, it goes on daily. And, again, thank you very much for the proclamation, and it is always indeed a pleasure to be recognized by our people we are proud to serve. Thank you.

Mr. Micheli:

I would like to thank Members of Council for this resolution. What you see here is the core of fire prevention. It is the core because it runs the gamut from HAZMAT to public education.

A small idea of what we do, last week we checked the Cobra for the Rolling Stones, we were at a gasoline leak on Main Street, we did acceptance tests. All of this is our scope of trying to prevent fires.

I would be remiss if I did not thank the Administration also. We, as you all know, have a Smoke Detector Program. This is done by the firefighters. We have given out 4,000 smoke detectors -- installed them, not given them out -- 400 batteries, and we have been to 18,000 residents. The City is committed to go to every resident in the City. Right now we are in Hazelwood, our next area will be Garfield, and then we are going to Fineview.

I want to thank you again for all your support, and I hope that you will support the Smoke Detector Program till it is completed. This year sadly to say we've had 10 fatalities. Out of those fatalities, four had no smoke detectors, four had smoke detectors that were inoperable and two had smoke detectors but due to extenuating circumstances the people would have never heard them if it was a gong.

So, I thank you again, and I thank all the people that work here, and I thank the firefighters on the line.

The next program that we are going to start is called a HIP program. Our firefighters will be out and they will be putting on the door of every citizen, any City resident, a brochure and on there will be a post card and if they request it and send it in, we will do a Home Inspection Program. Thank you again.

The Chair:

Thank you.

Mr. Cohen:

Thank you , all of you. I appreciate it very much. Keep doing the good work that you are doing. I also want to thank my Administrative Assistant Chuck Langdon for preparing this proclamation. Thank you all. Congratulations.

The Chair:

Thank you, gentlemen.

MR. CUSICK PRESENTS

No. 1094 WHEREAS, the Steel Valley Sportsman Association, located on 618 West Warrington Avenue in the City of Pittsburgh, is a non-profit corporation authorized by it's Articles of Incorporation and/or By-Laws to engage in civic or service purposes within the Commonwealth of Pennsylvania, and does engage in such activities; and,

WHEREAS, the Steel Valley Sportsman Association has been incorporated in the Commonwealth of Pennsylvania and has been granted exemption from Federal Income Tax under Section 501 (c) (3) of the Internal Revenue Code; and,

WHEREAS, the Steel Valley Sportsman Association desires to operate certain small games of chance and/or conduct raffles to generate funds to finance its operations and further its purposes.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the City of Pittsburgh hereby recognizes and declares the Steel Valley Sportsman Association to be a civic and/or Service organization within the context of the Pennsylvania Small Games of Chance Act, as amended.

MR. CUSICK moved to adopt the resolution.

MR. COHEN seconded the motion.

Which motion prevailed.

Mr. O'Connor:

Would Marie Dinardo and Pat Majors come up from the Sons of Columbus.

This is a big weekend in Pittsburgh, and especially the Italian community, with a parade, then we have dinner coming up, and I am sure the Post Gazette should have a -- maybe we should be on the front page with old Ferlo giving an Italian resolution here today, but --

The Chair:

God forbid they should report on some news.

MR. O'CONNOR PRESENTS

No. 1095 WHEREAS, the Sons of Columbus of America, Incorporated, under the direction of National President John R. Paciotta, is dedicated to promoting the ideals and qualities as exemplified by the renowned explorer and discoverer of America, Christopher Columbus, and to encouraging civic leadership; and

WHEREAS, since April 19th, 1925, the Sons of Columbus of America have established a superior record of public service as evidenced by their recent efforts to restore the Christopher Columbus Monument in Schenley Park and their leadership in organizing the commemoration the Quincentennial Celebration honoring the 500th Anniversary of the Discovery of America in 1992; and,

WHEREAS, the Sons of Columbus will hold its Annual Banquet on Saturday, October 8, 1994, and will celebrate a special Columbus Day Mass at St. Paul's Cathedral on Sunday, October 9, 1994, followed by a Memorial Service at the Christopher Columbus Monument in Schenley Park; and,

WHEREAS, the Sons of Columbus, at their Banquet, will honor Mayor Tom Murphy, Judge John Zottola and Guy Costa for their

leadership and service to the people of the City of Pittsburgh.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh extends its thanks and appreciation to the Sons of Columbus for its many years of service to the City and extends its best wishes and congratulations to this year's honorees; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh declares Saturday, October 8, 1994, as Sons of Columbus Day in the City of Pittsburgh.

SPONSORED BY COUNCILMEMBERS BOB O'CONNOR, DAN COHEN, JOE CUSICK, JIM FERLO, ALAN HERTZBERG, DAN ONORATO, GENE RICCIARDI AND CHRISTOPHER A. SMITH

MR. O'CONNOR moved to adopt the resolution.

MR. COHEN seconded the motion.

Which motion prevailed.

Mr. O'Connor:

And, it is sponsored by all Members of Council. And, I will let the ladies talk about this year's event, but I want everybody to know now that in case you do not realize, the Schenley Park Bridge is now open, after many years, and as you turn right -- Councilman Cohen and I probably hear a little more about that thing than anyone -- as you turn right -- the statute has been renovated, actually in the last year, but now you can really see it, and I think you'll -- the water has been turned on. It is really beautiful. So, when you leave Oakland, headed towards Schenley Park, please look to your right, it is really an outstanding effort they did there.

And, Pat, who is going to --

Ms. Majors:

Thank you, Councilman. Gentlemen, on behalf of our National President John R. Paciotta, I would like to extend to you our appreciation for the recognition that you give for the community service of the Sons of Columbus and other organizations such as ours.

We are very excited this year about the function. We are looking forward especially to being able to show off the monument a little bit this year with the bridge open. We began in 1991, hoping to do some general restoration on the monument on behalf of the citizens of the City of Pittsburgh. As the project went on we had a total restoration, and to be quite honest, it went beyond even the restoration of what existed, it was upgraded.

So, we are very proud of this and we are very proud of the contributions that we can make to the community for the betterment of all of our citizens. So, I thank you all.

Ms. Dinardo:

Council President, Councilmembers, it is a pleasure to be here this morning to accept the proclamation on behalf of the Sons of Columbus.

As Pat told you, our banquet is Saturday night at 7 o'clock at the Hilton Hotel, and on Sunday at St. Paul's Cathedral at 11 o'clock there will be a Mass in honor of the Sons of Columbus, and after Mass we will continue to the park in front of the statute, and that will conclude our things.

So, I want to thank everybody. Thank you.

The Chair:

Thank you.

I want to take this opportunity to highlight and maybe we can give an applause to a young man who works very hard on graffiti removal heading up the City's efforts but unfortunately he arrived a little bit late. Tom, if you could just please stand and get an applause. Tom Namiotka. Tom is one who has developed a lot of the technology with particular chemicals, as well as the Steam Jenny removal method, which I know I use myself in the Morningside Bocche Court area and St. Raphael's Church.

And, we want to thank Tom for his hard work in the City. Hopefully we will see him working year long next year, not just six months as needed. It is a big effort we should be supporting, and I want to thank him also for giving leadership

to the Housing Authority work crew, so that they could better improve their operation.

Thank you, Tom, very much.

Councilman Onorato and all Members.

Mr. Onorato:

At this time the members of the Columbus Day Parade Committee will come forward. And, as they are walking forward, we have with us today, Guy Costa, Nello Giorgetti, the Honorable Jay Costa, the Register of Wills, Mike Aquaviva, Marie Procopio.

This is presented by all Members of Council, and today I am glad to see that my seven Italian colleagues joined in in this proclamation.

MR. ONORATO PRESENTS

No. 1096 WHEREAS, the Columbus Day Parade Committee is an organization consisting of representatives of all of the established social and cultural Italian/American groups in the area; and

WHEREAS, this year, the 10th Annual Columbus Day Parade & Festival will take place on Monday, October 10, 1994 at 11:00 a.m.; and

WHEREAS, KDKA personality John Cigna will be the Grand Marshall of this year's parade, leading the machining units, bands, and international ethnic groups; and

WHEREAS, the 1994 Columbus Day Parade and Festival has an international flavor this year and will celebrate with the theme "The World Comes to America" A variety of ethnic groups from throughout the Pittsburgh area will march in this year's parade.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby recognize and commend the Columbus Day Parade Committee for their outstanding contributions to the Italian/American community as well as the entire City of Pittsburgh, and for their hard work and efforts to make the 1994 Columbus Day Parade and Festival a success.

SPONSORED BY COUNCILMEMBERS DAN ONORATO, JIM FERLO, GENE RICCIARDI, DAN COHEN, JOE CUSICK, ALAN HERTZBERG, BOB O'CONNOR, and CHRISTOPHER SMITH.

MR. ONORATO moved to adopt the resolution.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

Mr. Onorato:

First, before I bring anyone forward to speak, I just want to say that this, once again, is the annual event for the Italian community to get together and celebrate, but as you heard in the proclamation, it is for all people of all nationalities to celebrate our backgrounds. One thing about Pittsburgh, we are blessed with a vast majority probably of every ethnic group in the world living in a very small area, and I think today is the time to recognize that, and if you notice the theme of the parade "The World Comes to America", it really is celebrating that diversity.

I would like to have Guy Costa come forward, the Chairman of the Committee, to say a few words about the parade. Guy, there you go.

Mr. Guy Costa:

Thanks. Thanks, Dan, and thanks, Council. On behalf of the Pittsburgh Columbus Day Parade Committee, I want to thank City Council for this resolution today. We are very honored to be here.

At this time to tell a little bit about the parade, I have our Publicity Director Mike Aquaviva tell you about our parade and festival, and I hope that you all can make it on Monday. Thank you.

The Chair:

Thank you, Guy.

Mr. Aquaviva:

Thank you very much, Mr. President, Councilmembers. I am not going to say much, I'm the last Italian smoker alive, next to John Cingas, though the one thing we have in common, we're all short-winded.

The Columbus Day Parade and Festival is our annual salute to the Pittsburgh community, and this year's International Theme is a tribute to the significant contributions made by Pittsburgh's many, many cultures. There will be 13 nationalities represented in the parade, African-American, Caribbean, German, Greek, Hungarian, Indian, Irish, Latin-American, Peruvian, Polish, Slovak, Ukrainian and Italian. Each group will participate with native dances, music, floats or other special events. Our strength is in our people who combine a loyalty to Pittsburgh and America, with a very proud affection of their heritage.

That is our salute to the area, and we are very proud to be part of the ethnic culture of Pittsburgh. Thank you very much.

The Chair:

Thank you, Mike.

Mr. Onorato:

Would anyone else like to say a few words at this time.

The Chair:

The Honorable Jay Costa.

Mr. Jay Costa:

Thank you. On behalf of the Parade Committee, I want to take a moment to thank the Murphy Administration for all the hard work that they have done and the assistance that they have provided and also the previous administrations, that they have provided over the years to our Parade Committee for the work that they have done.

Also, I want to thank this Council for the tremendous work that they have done and the assistance that they have provided.

As Mike and Guy have indicated, it is going to be a wonderful parade, multi-cultural parade, which I think is all what the City of Pittsburgh is all about. We are very excited about it, appreciate all your help with it and look forward to seeing all you there on Monday. So, thank you very much.

The Chair:

Thank you, Jay.

Mr. Cusick:

Is this going to be as good as the St. Patrick's Day Parade?

Mr. Cohen:

Better weather.

The Chair:

I also would like to thank Mike for his writings in the Italian Newspaper "Unione".

Mr. Aquaviva:

Thank you very much.

The Chair:

We learn a lot from your writings. Thank you.

MR. RICCIARDI PRESENTS

No. 1097 WHEREAS, the young people of the Solid Rock Youth Foundation are spear-heading an effort to demonstrate to the City of Pittsburgh and the surrounding area that not all young people are caught up in gangs or have a negative, disrespectful attitude. In reality, only a small number of our area young people fit the gang profile; and,

WHEREAS, the project, under the leadership of Reverend Linwood H. Lewis, Jr., Pastor of the St. Paul A.M.E. Zion Church and James E. Lewis, is entitled "ALL KIDS AIN'T BAD"; and,

WHEREAS, Reverend Linwood H. Lewis, Jr., has long been active in the Pittsburgh area in efforts to negate the influence of drugs, gangs, and crime and promote the positive influences of family and education for the youth of our City; and,

WHEREAS, under the guidance of Reverend Linwood H. Lewis, Jr., the young people involved in the "ALL KIDS AIN'T BAD" project

are trying to demonstrate to their friends a positive attitude; and,

WHEREAS, on Saturday, October 1, 1994, the Solid Rock Youth Foundation is honoring Reverend Linwood H. Lewis for his community service and his dedication to the message "ALL KIDS AIN'T BAD; THERE IS HOPE."

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh joins the Solid Rock Youth Foundation in honoring Reverend Linwood H. Lewis for his dedication to our young people and declares Saturday, October 1, 1994 REVEREND LINWOOD H. LEWIS, JR. DAY in the City of Pittsburgh.

MR. RICCIARDI moved to adopt the resolution.

MR. SMITH seconded the motion.

Which motion prevailed.

Mr. Smith:

If we could have Monica Patera, Kim, Shannon, Pam, Jessica and Richard and Mr. Martin.

The Chair:

And their guests.

Mr. Smith:

And any guests you brought with you.

The wonderful thing is that this -- come on over here, I haven't bitten anyone in a week -- is we have a wonderful program in the City of Pittsburgh that I was not aware of, but that's my ignorance. Let me read the resolution and then you will find out what it is about.

MR. SMITH PRESENTS

No. 1098 WHEREAS, on Thursday, October 6, 1994, the Department of Physician Assistant, at the University of Duquesne, will be hosting the third annual celebration of National Physician Assistant Day. The Physician Assistant program at Duquesne University has recently graduated its first class of 13 students; and,

WHEREAS, the Physician Assistant profession has been in formal existence for 30 years. In that span of time, the profession has grown from 5 to approximately 25,000 practicing Physician Assistants in the United States; and,

WHEREAS, the Physician Assistant profession has been in formal existence for 30 years. In that span of time, the profession has grown from 5 to approximately 25,000 practicing Physician Assistants in the United States; and,

WHEREAS, during these 30 years, Physician Assistant professionals have expanded to practice in every state of the country. They have full prescription privileges in over 30 states, including the State Pennsylvania; and,

WHEREAS, the Physician Assistant education program at Duquesne University, which is one of 59 accredited programs across the country, was the first ever to offer an entry level Master's degree program in Physician Assistant education; and,

WHEREAS, the energetic mission of Duquesne University's Physician Assistant program is determined to prepare trainees, both technically and responsibly, for the valuable and demanding profession of a Physician Assistant; and,

WHEREAS, Duquesne University has proved to be one of the foremost educators in the United States of Physician Assistants.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh commends and gives rave reviews to Duquesne University, the John G. Rangos Sr. School of Health Science, Department of Physician Assistant, and declares Thursday, October 6, 1994, as "National Physician Assistant Day" in the City of Pittsburgh to increase public awareness of this academic program.

MR. SMITH moved to adopt the resolution.

MR. COHEN seconded the motion.

Which motion prevailed.

Mr. Smith:

Thank you. Dr. Martin, come on over.

The Chair:

Is there a Physician's Assistant in the house?

Mr. Smith:

Congratulations. Please, inform us.

Dr. Martin:

Thank you. Council President Ferlo, and Councilman Smith, on behalf of Duquesne University and the Rangos School of Health Sciences and our Physician Assistant students who are here and also Mrs. Diane Zywotko, who is our Department Chairman of the Physician Assistant Program, the Rangos School of Health Sciences at Duquesne just started its fourth year and we are not necessarily real well known around the City at this point but I hope some day we will become very well known.

We are educating about 740 health professional students right now in the school, we will graduate approximately 125 health care practitioners, Physician Assistant being one of the professions. And, the important thing about all of this is that Duquesne University and this school has a real commitment to the City, and we hope to provide health manpower to the City of Pittsburgh and surrounding communities, and as an example, the Physician Assistant Program has a Federal Grant since its inception actually, and one of the primary objectives of that program is to place Physician Assistants in medically undeserved areas in the region. So, we have a commitment to help all areas of the City and the region where health care services are desperately needed.

The University also recently received a HUD grant that combines the joint activity of all eight of the schools at Duquesne and we will be providing multiple kinds of services, from legal services, health care services, educational activity, to two communities in the City, the Hill District and East Liberty, as primary fossae of these kinds of activities.

So, I want City Council to know that the University and this school is committing to helping the residents of the City, and we certainly appreciate City Council taking the time to recognize our school and especially this program at this time. Thank you very much.

The Chair:

Thank you and good luck.

Mr. Smith:

I think we ought to hear a little bit about the program. So, please.

Mrs. Zywotko:

Good morning and thank you. Thank you very much, President Ferlo and Councilmen At Large, and thank you, first of all, in acknowledgment and recognition for your support of this proclamation, Councilman Smith.

The Physician Assistant profession is relatively young, 30 years. We have made a contribution, and we welcome the opportunity to increase the awareness of the community to the profession. Our program is in a leadership role, we are generating practitioners that will be part of the solution to the health care problems we face today, in particular, cost effective appropriate care and access issues will be deliberated and resolved by the contribution of Physician Assistants nationwide. We, in fact, will be the generalists of tomorrow.

So, I thank you very much, and I encourage you to tell one person today about Physician Assistant, it will make a difference for us. Thank you.

The Chair:

Thank you very much. Councilman O'Connor.

Mr. O'Connor:

Councilman Smith, as you mentioned, most of us are unaware of all the great things that are going on with our universities, and I toured your school last year and I was most impressed with not only the facility but all the education

opportunities you have for young people and especially at the physician level where there are job opportunities, and I just want to thank you and congratulate you for a great job.

The Chair:

Thank you and good luck.

Thank you all very, very much. There was a time when the AMA frowned on the Physician Assistant/Nurse Practitioner initiatives, I'm glad to see that has changed over the last ten years. Thank you very much.

Dr. Martin:

I think there is a lot of support. I think things are changing.

The Chair:

I would like Mr. Frankowski and Mr. Lowendowski and others to come forward. Maybe we should get Tony Pokora up here to finally set the record straight on his last name, also. That's P-o-k-o-r-a, Pokora.

Members of Council, I would like to move the following proclamation:

THE CHAIR PRESENTS

No. 1099 WHEREAS, Count Casimir (Kazimierz) Pulaski was born in Lithuania on March 4, 1748, studied law and served valiantly in the Polish Army against foreign domination of his land; and,

WHEREAS, Casimir Pulaski, having fought against Russian, Austrian and Prussian control over Poland was forced to flee his country for free France where he met and became close friends to the American representative and statesman Benjamin Franklin; and,

WHEREAS, Count Pulaski offered his military services to the fledgling American revolutionary Army and with a letter of introduction from Benjamin Franklin was commissioned by the new Congress and General George Washington; and,

WHEREAS, Pulaski's valiant services to the Revolution brought him honor and acclaim as he commanded Pulaski's Legion but also defeat and death having fought well at Brandywine and in Germantown, Pennsylvania; and,

WHEREAS, after suffering a defeat against the British in South Carolina he commanded French and American cavalry in the siege of Savannah, Georgia in 1779 where he was mortally wounded and died on October 11, 1779 aboard an American war ship; and,

WHEREAS, the Pennsylvania Historical and Museum Commission erected an historical marker honoring Count Casimir Pulaski along Old U.S. Highway 1 near Brandywine Battlefield State Park; and,

WHEREAS, the life work and ideals of Casimir Pulaski are a source of strength and pride to Americans of Polish ancestry and help them perpetuate the high ideals, customs and culture of the Polish people; and,

WHEREAS, Mr. Stanley Frankowski, proprietor of the Bloomfield Bridge tavern is sponsoring a Casimir Pulaski recognition event;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Pittsburgh that Tuesday, October 11, 1994 is hereby declared "CASIMIR PULASKI DAY" in the City of Pittsburgh in honor of this great Polish-American.

MR. COHEN moved to adopt the resolution.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

The Chair:

Thank you very much. I think the proclamation speaks for itself. I know in the past this Council historically has recognized various events around the life work of Count Pulaski and his contribution. I know back when Councilman Grabowski was here under Mayor Caliguiri, they had a similar proclamation, and I am very glad that, notwithstanding the good work of many of the fraternal Polish organizations, that Mr. Frankowski and Mr. Lowendowski are continuing to keep the

tradition and keep the focus on this man's contributions.

So, at this time I would like to introduce Stanley Frankowski, who probably does not need much introduction to our colleagues. Stanley.

Mr. Frankowski:

I guess if it wasn't for Councilman Ferlo I wouldn't be up here standing here in front of you people here today, but we want to get recognized in our community, the City itself, all the -- I'm speaking for the Polish, Italian, all red-blood American people in the City of Pittsburgh, in the United States really. We want to celebrate just like you celebrate the Irish Day or Russian Day, Polish Day, and so forth. So, we are having a big doings on October 11th, Casimir Pulaski. He calls it "Casimir Pulaski". I use the English phrase "Casimir Pulaski" really. Mr. Lowendowski. You know our own County Controller -- City Controller -- see, that's what happens, I'd never make a politician -- right here, from the South Side.

But, we are having a big doing here. Our Councilman will give out red, white and blue hats for the first 200 people that come there. We are going to have red beer. And, we will have a Polish white mink for the ladies, a raffle. Our Councilman is going to do this. And, we have a Russian World War I weapon, and it was my great, great grandfather's. If you believe that one, I'll tell you another one. But, it is a Russian weapon.

So, we are going to have a good day that day and we are going to celebrate his day. Actually that is his death, October 11th, and he died for America. You got Columbus that discovered America, and we got Pulaski that died for America.

So, any red-blood American person can come in our tavern that day. So, we are going to push this on the Polish end of it. We are trying to get our fair dues here, and with Councilman Ferlo being -- well, you know I'm talking too much really. That's where it's at, you know, really. But, thanks a lot for having us here really, okay.

The Chair:

I do want to thank Stanley Frankowski while he is here. Besides being a proprietor of a tavern, more importantly, he does a lot of community service work, helps out all the Halloween Parades in Lawrenceville, in Bloomfield, helps out with flower planting, donating his wall for a mural "Welcome to Bloomfield", and whenever somebody needs something he is always willing to help out the neighborhood, and we appreciate business people like that in our Council Districts. So, thank you, Stanley, very much.

Mr. Frankowski:

Thank you, Councilman.

The Chair:

Thank you all.

We will move directly into Presentation of Papers.

MR. CUSICK PRESENTED

No. 1100 Resolution transferring $30,000.00 from Code Account 2, Sinking Fund Bond Maturities, to Code Account 1482, Miscellaneous Services, Department of Engineering and Construction.
(SPONSORED BY MR. CUSICK)

Which was read and referred to the Committee on Finance.

Also,

No. 1101 Resolution providing for an Agreement or Agreements with The Carnegie in connection with Various Branch Library Improvements; at a cost not to exceed $50,000.00, chargeable to and payable from Code Account EC 94-1467.

Also,

No. 1102 Resolution providing for an Agreement or Agreements with The Carnegie Library of Pittsburgh for the purpose of purchasing materials and/or equipment for several library branches, at a cost not to exceed $250,000.00, chargeable to and payable from Code Account CDEC 94-1467.

Also,

No. 1103 Resolution providing for a Cooperation Agreement or Agreements with Carnegie Institute in connection with On-going Miscellaneous Improvements; and providing for the payment of the costs thereof, at a cost not-to-exceed $575,000.00, chargeable to and payable from Code Account EC94-429.

Also,

No. 1104 Resolution providing for a Cooperation Agreement or Agreements with The Carnegie for renovations to various Carnegie Facilities, and providing for the payment of the costs thereof, at a cost not-to-exceed $250,000.00, chargeable to and payable from Code Account EC94-570.

Also,

No. 1105 Resolution further amending Resolution #1455, effective January 1, 1994, as amended, entitled "Adopting and Approving the 1994 Capital budget and the 1994 Community Development Block Grant Program; and approving the 1994 through 1999 Capital Improvement Program," by creating a new line item (EC 94-429, Carnegie Institute).

Which were severally read and referred to the Committee on Engineering and Construction.

MR. ONORATO PRESENTED

No. 1106 Resolution providing for transfer of funds in the aggregate amount of Four Million Five Hundred Nine Thousand Dollars ($4,509,000).

Also,

No. 1107 Resolution providing for the issuance of a $3,254.73 warrant in favor of August Michel for auto damage by a City Public Works truck, charging same to Code Account No. 46 Judgments.

Also,

No. 1108 Resolution providing for the issuance of a $917.00 warrant in favor of Mary Zarazinski for sidewalk damage, charging same to Code Account No. 46, Judgments.

Also,

No. 1109 Resolution providing for the issuance of a warrant in the sum of $20,000 to Donald D. Rossetti, Esquire, as attorney for Lona D. Cobb, USX Tower, Suite 3260, 600 Grant Street, Pittsburgh, PA 15219, in full and final settlement of the action filed at GD92-12696, alleging personal injury and property damage sustained due to a vehicle collision at Lincoln and Lemington Avenues on or about August 13, 1990.

Also,

No. 1110 Resolution providing for the issuance of a warrant in the sum of $7,500.00 to Ann Valenzo and Michael Valenzo, c/o August Damian, Esquire, Damian & Deluca, 800 Mutual Building, 816 Fifth Avenue, Pittsburgh, PA 15219, in full and final settlement of an accident which occurred in Friendship Park on or about September 26, 1990.

Also,

No. 1111 Resolution providing for a professional services agreement or agreements for the provision of obtaining a people-based court software application that can meet and manage the Housing Court functions of case processing, fine/cost collection and reporting functions for a cost not to exceed Forty Thousand Dollars ($40,000), payable from Code Account 1043.

Also,

No. 1112 Resolution providing for new and/or existing Agreement (s) and/or Contract (s) for the provision of design and development of City-Wide Financial Information systems and providing for the payment of the costs thereof. Cost not to exceed $750,000.00.

Also,

No. 1113 Resolution further amending Resolution No. 1455, effective January 1, 1994, as amended, entitled, "Adopting and Approving the 1994 Capital Budget and the 1994 Community Development Block Grant Program; and approving the 1994 through 1999 Capital Improvement Program," by creating a new line item (CIS 94-474, Financial Information Systems).

Also,

No. 1114 Resolution authorizing and directing the City Controller to create a special trust fund, to be designated as the Computer Equipment and Supplies Trust Fund (CESTF), for the deposit of monies from the sale of used, broken, or obsolete Computer Equipment and/or Supplies and authorizing the use of monies deposited into said Trust Fund by the Department of the Mayor, Bureau of City Information Systems, for any and all expenses associated with the sale/purchase of new/replacement Computer Equipment and/or Supplies.

Also,

No. 1115 Resolution amending Res. No. 434, Item L., eff. 4-27-92, which authorized the sale of 2 vacant lots, 1408 and 1410 Eckert St., 27th WD, 45-A-41 & 42, to James M. LaBella, for $1,000.00, by deleting 1410 Eckert St. from the sale and reducing the purchase price of 1408 Eckert St. to $500.00. The City does not have marketable title to 1410 Eckert St.

Which were severally read and referred to the Committee on Finance.

MR. SMITH PRESENTED

No. 1116 Resolution providing for the designation as an Historic Structure under Section 513 of Chapter 1007 of the Code of Ordinances that certain structure known as the Greater Faith Tabernacle Church of God in Christ, more particularly located at 550 North Homewood Avenue (Block and Lot Number 174-N-194) in the Thirteenth Ward, City of Pittsburgh.

Which was read and referred to the Committee on Planning, Housing and Development.

THE CHAIR PRESENTED

No. 1117 Resolution amending Resolution No. 505, effective May 7, 1993 entitled "Resolution providing for an Agreement or Agreements with St. Mary's Church Lawrenceville Arts Program for operational and/or administrative expenses, including purchase of equipment or materials, for the benefit of low-moderate income residents of the City of Pittsburgh, at a cost not to exceed $5,000" so as to increase the amount appropriated to $13,333.00, chargeable to and payable from the 1993 CDBG Program "City Council",**(SPONSORED BY MR. FERLO)**

Which was read and referred to the Committee on Parks & Recreation.

Also,

No. 1118 Resolution amending Resolution No. 228, effective March 19, 1993, as amended by Resolution No. 366, effective April 29, 1993, and by Resolution No. 1056, effective August 24, 1993, and by Resolution No. 1219, effective November 1, 1993, entitled "Providing for the filing of a Community Development Statement by the City of Pittsburgh with the U.S. Department of Housing and Urban Development for a grant in connection with the 1993 Community Development Block Grant Program" so as to decrease line item "Youth Commission" in the Department of Parks and Recreation and increase line item "St. Mary's Church Lawrenceville Arts Program" in City Council,**(SPONSORED BY MR. FERLO)**

Which was read and referred to the Committee on Planning, Housing & Development.

Also,

No. 1119 Petition from the residents of the City of Pittsburgh requesting a public hearing to inquire into the failure of the City Bureau of Building Inspection to enforce the laws against major violators while enforcing the law vigorously against homeowners.

Which was read and referred to the Committee on Public Safety.

MR. HERTZBERG moved to suspend Rule 8 by providing for consideration of the bills only until or after the 8th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

MR. ONORATO seconded the motion.

Which motion prevailed.

The Chair:

At this time we will move to Unfinished Business or Reports of Committees. Are there any matters to be brought before the body?

UNFINISHED BUSINESS

The Chair:

We would like to bring up one bill, Bill 1027, on the appointment of Mr. Sweeney to the Planning Commission.

THE CHAIR PRESENTS

No. 1027 Resolution appointing Edward Sweeney as a Member of the City of Pittsburgh's Planning Commission with a term to expire September 30, 2000.

Which was read.

MR. SMITH moved to approve the appointment.

MR. O'CONNOR seconded the motion.

The Chair:

It has been moved and seconded. Will the City Clerk please call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Smith
Mr. O'Connor	Mr. Ferlo
	(Pres't)

AYES 8 NOES none

WHICH MOTION PREVAILED.

The Chair:

The nominee is accepted as the new Member to the Planning Commission.

At this time we will move to Reports of Committees. Committee on Finance, Councilman Onorato.

REPORTS OF COMMITTEES

Mr. Onorato:

Mr. President.

The Chair:

Thank you, Mr. Onorato.

MR. ONORATO PRESENTED

Bill No. 1120

Report of the Committee on Finance for September 28, 1994, transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 1068

A Resolution entitled, "Resolution providing for the transfer of $10,000.00 from Code Account 42-1, Index Code 004218, Reserve for Unsettlement Wages, to Code Account 1022-1, Index Code 102210, Premium Pay, Magistrates Court. (This transfer is necessary to cover the cost of overtime associated with the parking ticket Amnesty Program)".

Which was read.

Also,

Bill No. 1069

A Resolution entitled, "Resolution providing for an Agreement or Agreements for Stenographic Reporting Services in connection with Public Hearing (s) and providing for the payment of the cost not to exceed $2,000.00 thereof".

Which was read.

Also,

Bill No. 1070

A Resolution entitled, "Resolution providing for conveyance by the City of Pittsburgh of certain property, under Act No. 171 of 1984, entitled 'Second Class City Treasurer Sale and Collection Act', effective December 11, 1984".

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Smith
Mr. O'Connor	Mr. Ferlo (Pres't)

AYES 8 NOES none

The bills having received the legally required number of votes are passed finally.

The Chair:

Councilman Ricciardi, Committee on Public Works.

Mr. Ricciardi:

Mr. President.

The Chair:

Thank you, Mr. Ricciardi, and welcome back from Harrisburg.

Mr. Ricciardi:

Thank you.

MR. RICCIARDI PRESENTED

Bill No. 1121

Report of the Committee on Public Works for September 28, 1994, transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 806

A Resolution entitled, "Resolution vacating Gayly Way between Mayville Avenue and Dunster Street in the 19th Ward, 4th Council District of the City of Pittsburgh".

Which was read.

Also,

Bill No. 807

A Resolution entitled, "Resolution vacating a portion of Ferncliff Avenue from Mayville Avenue heading in a eastwardly direction a distance of 321 ± feet in the 19th Ward, 4th Council District of the City of Pittsburgh".

Which was read.

Also,

Bill No. 808

A Resolution entitled, "Resolution vacating Unnamed Way between Harmony Avenue and Dream Way in the 19th Ward, 4th Council District of the City of Pittsburgh".

Which was read.

Also,

Bill No. 809

A Resolution entitled, "Resolution vacating a portion of Inland Way between Gayly Way and LaMoine Street in the 19th Ward, 4th Council District of the City of Pittsburgh".

Which was read.

Also,

Bill No. 810

A Resolution entitled, "Resolution vacating a portion of Dunster Street turn-a-round opposite Parcel 61-C-75 in the 19th Ward, 4th Council District of the City of Pittsburgh".

Which was read.

Also,

Bill No. 811

A Resolution entitled, "Resolution vacating a portion of Dunster Street adjacent to Parcels 61-C-92, 61-C-115 and 61-C-100 in the 19th Ward, 4th Council District of the City of Pittsburgh".

Which was read.

Also,

Bill No. 1001

A Resolution entitled, "Resolution granting unto Ned Shekels with an address at 814 Selby Way, Pittsburgh, Pennsylvania, 15203, his successors and assigns, the privilege and license to construct, maintain and use at his own cost and expense, an entrance stoop and steps in the right-of-way of 814 Selby Way in the 17th Ward, 3rd Council District of the City of Pittsburgh".

Which was read.

Also,

Bill No. 1071

A Resolution entitled, "Resolution amending Resolution No. 265, effective April 25, 1994, entitled Vacating Arcola Way between Voskamp Street and Wesler Way in the 24th Ward, 1st Council District of the City of Pittsburgh, by changing Section 1.—**(SPONSORED BY MR. ONORATO)**".

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Councilman Onorato.

Mr. Onorato:

Bill 1071, last week I submitted a bill to change the wording and some of the, I guess, typos, north to east. I was told by Public Works today that they want to make some more corrections, and I stated last week at Wednesday's meeting that I would recommit if there was a problem.

So, I have a motion to recommit.

MR. RICCIARDI seconded the motion.

The Chair:

Any questions on the recommittal? All in favor?

WHICH MOTION PREVAILED.

The Chair:

Other discussion on any other bill?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Smith
Mr. O'Connor	Mr. Ferlo (Pres't)

AYES 8 NOES none

The bills having received the legally required number of votes are passed finally.

Mr. Cusick:

I would also like my comments to be brought forward on Bills 806 through 811.

(REMARKS -- SEE ADDENDUM)

MR. COHEN PRESENTED

Bill No. 1122

Report of the Committee on Public Safety for September 28, 1994, transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 1084

A Resolution entitled, "Resolution authorizing and directing the Chief, Bureau of Police and the Director, Department of Public Safety to prepare and forward an implementation and impact study concerning any proposed juvenile curfew legislation to City Council".—**(AS AMENDED)**

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Councilman Hertzberg.

Mr. Hertzberg:

I would just ask that my comments be brought forward.

The Chair:

Why don't we just bring all comments forward on this bill, I would like a number of others. I would like the comments brought forward.

Any other comments?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Smith
Mr. O'Connor	Mr. Ferlo (Pres't)

AYES 8 NOES none

The bill having received the legally required number of votes passed finally.

MOTIONS AND RESOLUTIONS

The Chair:

Under Motions and Resolutions, the Chair presents two appointments, and then we will deal with the emissions testing.

THE CHAIR PRESENTS

No. 1123 Resolution appointing Eloise Hirsh, 108 Woodland Road, Pittsburgh, PA 15232, to the Pittsburgh Historic Review Commission for a term to expire on December 31, 1995.

Also,

No. 1124 Resolution appointing Robert Gallis, 3010 Fadette Street, Pittsburgh, PA 15204, as a District Member of the Pittsburgh Cable Communications Advisory Committee for a term to expire December 31, 1996.

Which were read.

The Chair:

The first bill is statutorily listed, the Director of City Planning shall sit on the Historic Review Commission. The second bill is a nominee from Councilman Hertzberg, from his district, Mr. Gallis, who has been long involved in City politics, government affairs. I believe he still works at the Urban Redevelopment Authority, and Mr.

Hertzberg would like to appoint him as an At Large Member. I think given the need to have a full complement, I would ask that we consider approving today both appointments. What is the pleasure of the body?

MR. ONORATO moved to approve the appointments.

MR. O'CONNOR seconded the motion.

The Chair:

Is there any discussion? All in favor?

WHICH MOTION PREVAILED.

The Chair:

The two individuals are appointed to the Human Relations Commission, and Mr. Gallis is appointed to the Cable Communications Advisory Committee.

I would ask the Clerk's Office, please notify Mr. Gallis about the upcoming meetings and the public hearing.

Councilman Cohen.

Mr. Cohen:

Thank you, Mr. President.

This resolution is sponsored by all members of Council, and it really goes to the issue of this auto emissions testing program. We, as you know, had before us a bill -- still have before us a bill, to approve a sewage plan, and thanks to Councilman Gene Ricciardi we learned that this was a plan for an auto emissions testing facility, and we have gone now weekend and week out debating this issue.

The real issue that Council -- that puts us in a difficult position because the real concern of Council, I believe, is that we do not like the way the program is being Implemented. None of us are against clean air, certainly, and support the thrust behind the Clean Air Act, but the problem has been the way it has been implemented.

And, there is a lot happening, of course, at the state level. Last week the State Senate voted to delay this implementation, to go back to the drawing board. Lieutenant Governor Mark Singel apparently said yesterday that he would meet with the United States Representative of the Environmental Protection Agency, Mr. Peter Kostmeyer, to see whether they can go back to a decentralized plan.

So, this resolution is one to the United States Senators, United States Representative, the Pennsylvania State Legislature and the Governor, to adopt a decentralized plan rather than the current plan, because, as Councilman Onorato articulately expressed last week, a centralized plan cuts out all of the current state inspection stations and garages, but at the same time, it is just tremendously inconvenient because it means that every motorist in the City of Pittsburgh is going to have to go to two sites instead of one, and, of course, there is the additional problem, that only one site has been chosen in the entire City of Pittsburgh and that is in East Carnegie, which, of course, would be very, very difficult for many residents of the City of Pittsburgh to go to.

So, that having been said, if I could, Mr. President, I would like to just read the resolution and then vote on it and hopefully be able to send this to the appropriate people so that they can go back to the drawing board.

MR. COHEN PRESENTS

No. 1125 WHEREAS, the people of the City of Pittsburgh need and desire clean air; and,

WHEREAS, the United States Congress, through the Clean Air Act, has decreed that the Commonwealth of Pennsylvania comply with ambient air standards with respect to emissions from automobiles; and,

WHEREAS, the United States Congress has failed to provide Pennsylvania with the funding necessary to implement the compliance program; and,

WHEREAS, the Pennsylvania State Legislature gave the authority of choosing how to implement the program to two state agencies, the Department of Environmental Resources and PennDot, both of which are run by unelected officials; and,

WHEREAS, these two agencies chose to implement a centralized inspection program requiring the construction of 86 vehicle emission testing facilities across the Commonwealth, instead of a decentralized program, using existing inspection stations; and,

WHEREAS, the centralized inspection program will greatly inconvenience motorists by requiring them to go to two inspection stations instead of one; and,

WHEREAS, PennDot and the Department of Environmental Resources have contracted with Envirotest, an Arizona-based corporation, to construct these testing facilities and reap millions of dollars in revenues which could have been earned by Pennsylvania companies; and

WHEREAS, the Department of Environmental Resources and PennDot determined that only one auto emission inspection station was to be constructed in the entire City of Pittsburgh in East Carnegie, at the City's westernmost border; and,

WHEREAS, the sole proposed City site is highly inconvenient to most residents of the City of Pittsburgh and will be very time consuming, will make people miss time from work, in turn causing productivity to suffer needlessly.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby oppose the centralized system for auto emissions testing and the decision to locate only one facility in the entire City of Pittsburgh; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh strongly urges its United States Senators, United States Representatives, the Pennsylvania State Legislature and the Governor to adopt a decentralized plan for auto emissions testing similar to the current inspection program.

SPONSORED BY COUNCILMEMBERS DAN COHEN, EUGENE RICCIARDI, JOE CUSICK, JIM FERLO, ALAN HERTZBERG, BOB O'CONNOR AND CHRISTOPHER SMITH

MR. RICCIARDI moved to adopt the resolution.

MR. ONORATO seconded the motion.

The Chair:

Discussion on the motion.

I support the motion, obviously; I think it adequately expresses the will of this Council, and I thank Mr. Cohen and others for working on stating down in writing what the sense and the will of this body is. I support the resolution.

I would add one other comment, though, not to change the resolution, but, in terms of the fact that the resolution points out to the congressional action, per se, I really strongly urge that we think about this issue, and it has been upsetting me a little bit. It seems as though the Congress in this whole issue of clean air has only looked at the issue of the emissions testing, be it centralized or decentralized; the issue that they really avoided which to me is much more fundamental, albeit somewhat distasteful to the auto consumer, and that is really looking fundamentally at what the requirement of the auto industry should have been in the first place.

If the Congress dictated that the industry itself should have developed the technology on the automobile before it is purchased, that would have been -- and I think there is a government account office report on this issue -- that it would have raised the cost of a new automobile, I think, $200.00 for this additional type of technology to have proper auto emissions. I think if they had done that and bit the bullet and passed the burden on to the industry, I think we would not be in this situation that we are fighting about now, and rather than to have only some communities affected by clean air, such as southwestern Pennsylvania counties versus others that are not technically listed under the emissions, as well as several whole states that are not part of this emissions testing issue, to me I think if they had directed that energy in that legislation in that respect, it would have been a short term burden for the auto-purchasing consumer, but I think it would have gone a long way to deal with the problem.

I am not seeking to change the resolution, it is a good resolution, I just get frustrated sometimes with the thinking of the Congress and not standing up and dealing with the issue in a more fundamental way.

Councilman O'Connor.

Mr. O'Connor:

President Ferlo, I agree with you a hundred percent, and it is -- maybe it is too much common sense to ask for them to do what you just said.

But, part of the good news, I met some organizations yesterday who are coming up with equipment that could be put into local service stations at a much more reasonable cost, then we could have 18 to 20, at least in the City, where I think it would be a good business opportunity for existing service stations or opportunities for new service stations, and do the same job and be much better service to the residents of our City.

So, I think we are on the right track, and I thank you for the resolution, Councilman Cohen.

The Chair:

Any other discussion. Councilman Cohen.

Mr. Cohen:

Just to respond very briefly. I also completely agree with you, and, frankly, if I had thought of that I would have put that in here, too. I think that a lot more emphasis has to be placed on the manufacturers, but it is what often happens with Congress, is that they decree these regulations and then do not give us any ability to implement them. It is a little bit different from what you are saying. But, take a look at the reservoir coverage that you, Mr. President, are dealing with in Highland Park. They decree that all reservoirs need to be covered. Did they provide us with a single dollar for doing that, when it probably will -- how much is it going to cost, 200 million dollars, something like that? It does not make any sense. And, this program does not make any sense in the way that it is being implemented. So, I thank Council for its support.

The Chair:

Any other discussion? All in favor?

WHICH MOTION PREVAILED.

The Chair:

Councilman Onorato.

Mr. Onorato:

I just want to bring my colleagues up to speed on something that has been happening in my district that has been in the news as of yesterday, and I want to make sure that everyone here is on board and knows exactly what is happening.

Yesterday at 10 o'clock in the morning, the residents of Allegheny Commons East, with their attorney, I was there and the City Law Department, were in Federal Court trying to get a temporary injunction against HUD action, and I just want to explain what is going on. It sounds complicated, but when hear it, it really is very simple what is going on here.

Allegheny Commons is owned by a private association, a partnership. It is privately owned. It is a 236 HUD Subsidized Mortgage property, which is a 40-year mortgage, which started about 20 years ago. The mortgage is subsidized, not the rents. The owners have been operating this for 20 years at a mortgage at approximately one percent interest. Twenty years have passed and HUD changed some rules and the private developer has taken advantage of these rules, which is going to be the detriment to the North Side and to the City.

And, let me explain. The change permits the owner, led by Boston Financial Group, out of Boston, to borrow 2.3, $2,359,000.00 loan, to rehab the facility. That sounds great until you look at the details. Out of that 2.3 million dollars $800,000.00 goes into the owner's pocket the day of the closing as profit.

The reasoning behind that, the owners made the argument that if they could put this structure on the market and sell it, they would have this artificial profit, which was created by an appraisal company. HUD agreed and allowed them to take this loan and build in this profit.

So, let me repeat, 800 -- it is technically 795,400, is going into their pocket as equity the day of the closing.

In addition to that, $300,000.00 of that 2.3 will be in a lump sum deposit as a reserve for something called a "Replacement Account at Closing", and an additional $235,000.00 will be escrowed for a period of at least five years or until housing quality standards are met.

So, out of the 2.3 million dollar loan, one million dollars are going for rehab for this particular structure.

We are asking for a temporary injunction for several reasons. One, all of the residents, the Resident Council of this community are against this particular loan, because there is one other part of this loan that I have not mentioned yet. The owners would have to commit out of 137 units to give a minimal, and this a minimal and it will be required, to convert 112 to Section 8 Housing, which in reality would force out possibly half of the tenants that currently live there. This is working class neighborhood that has been successful, one of the few HUD programs that have been successful, and once again, it is frustrating to see that our federal policies are gutting our urban centers. People want to know why our cities are struggling, it is because of these types of policies and rewarding an $800,000.00 profit for a field program.

Luckily for us, Federal Judge Ambrose granted us a hearing which will be held on October 13th, nine days from today. It is still a long shot. Our best bet here is 50/50 that we will get a temporary and a permanent injunction, because the closing started last Thursday. I understand that these types of closings could last days, but it is probably already finished. We are hoping that somehow we can deal with HUD at the federal level in Washington, D.C. to stop this loan.

I will say that we met -- I found out about this about a month ago by accident, when somebody at a ribbon cutting of a rehab home said to me, isn't it a shame what's happening to Allegheny Commons, and I said, what's that, and they told me about this loan. Well, I called in the owner, I called in the residents and I called in Steve Leeper from the Mayor's Office to get to the bottom of this. A week ago we had a meeting in our conference room where the owner, that is Boston Financial, told us that this is exactly what they are doing and they are not going to change their plan.

The City even went as far as offering to give a loan for the 1.5 million, that would be net of the $800,000.00 profit for rehab if they would keep the structure the way it is. The owner said, no; they want this profit, and I can see why because who else could make $800,000.00 just by signing on a loan document. They refused us there.

We went -- the Mayor's Office sent individuals to the local HUD Office the day of the closing to try to stop it. The local HUD Office basically said, you're too late, we can't do anything for you. They did not want to cooperate.

At that point, I was over in the Mayor's Office that day and the Mayor personally made a call to Washington, D.C., Cisneros' Office, Director Cisneros' Office; he was not in but we put the person that answered the phone on notice to what was going on. Everything was happening quickly, that is why we filed -- the Law Department immediately put together a brief and filed this temporary order with the Federal Judge.

I just think that everyone here should know what is going on because these types of policies and HUD affects all of our neighborhoods, it could happen anywhere, and it just boggles my mind and frustrates me that two things are happening here. You have a private developer that does not even have a local office, that they have to fly somebody in from Boston every time we have a meeting; they are going to be rewarded with $800,000.00 for destroying a good neighborhood.

I would hope that -- and I am going to ask for a motion today, just a simple motion, that this body supports the City's action and the residents' action a hundred percent in this law suit and that we do not want this loan to go through. And, that is the motion.

The Chair:

Thank you very much. The motion is on the floor.

MR. COHEN seconded the motion.

The Chair:

It has been seconded. Discussion on the motion. All in favor?

WHICH MOTION PREVAILED.

Mr. Onorato:

Thank you.

The Chair:

I just want to add one thing. It is very upsetting. I know in my own district, in Council District 9, we have so many large apartment units that are in a similar situation, privately owned but originally financed by HUD, such as Liberty Park, only in disrepair, and yet these residents in East Liberty have been struggling asking HUD for the last five years to give the owners some money to retrofit and renovate a building that is going to be close to 30 years old now. I am talking about some of the large High Rises that you see in the East Liberty community. And, it is just outrageous, the story you have just outlined, and in addition to your own comments. It is very upsetting, and I think we need to do whatever we can do to support the Law Department and any other expertise that we need to hire or bring to bear, to support this initiative.

Other comments?

Mr. Onorato:

On a different issue. I just want to remind everybody that, immediately following this meeting, and I mean immediately, we are going to have a post agenda regarding traffic control and highway safety. It will be a short meeting and I would appreciate it if as many of you could stay to watch this short video that we have. Thank you.

The Chair:

Thank you very much. Just very quickly, I am asking Mr. Onorato, since he is Chairman of Finance, to Chair a separate special committee, and I would like to see it be a committee of about 16 individuals. I would like each member of Council to consider being on it and possibly appoint one other individual. In addition, Mr. Keller from the Budget Office, and I would like to ask our City Controller, to sit on it, and ask Mr. Miranda from the Budget Office to sit on it.

Basically, it is dealing with several issues of City Finance, specifically looking at potential cost savings, and possibly new ways to doing things. I know the Administration has initiated some of these points. I am talking about the whole issue of the asphalt plant. I know we met privately regarding the asphalt plant. I have some reservations about an outright sale. I have asked the Administration to look at another plausible scenario, or a consortium of municipalities possibly would operate the asphalt plant at a cost savings to the City.

I am a strong proponent of privatizing the Tow Pound, I think it would relieve a financial burden of this City and actually be run in a more customer friendly, 24-hour a basis manner. And, would like this committee to look at the asphalt plant issue, the Tow Pound issue, the parking lots Downtown. I am a strong proponent, also, as I have stated in this Chambers that some of the larger parking lots Downtown should be sold, we should retire some of the debt service to the Parking Authority and actually have cost efficiency and savings in the potential private operation of some of these large parking lots that also will be backed on the tax rolls.

And, fourthly -- and I am just illustrating four issues, there may be other subjects that Councilmembers want to add into the review by this committee -- is the under-utilization of the skating rink in Schenley Park. I have always been a proponent. I have had a lot of friends use the facility, and I just believe, similar to the experience of Mr. Ricciardi on the South Side, that it is an underutilized facility and I think we could look at possibly a private operation of that facility, making it actually a nicer facility for the residents.

So, those are four things that I would like the committee to look at. I am sure each colleague is going to have possibly some other concerns. I would ask that each colleague consider being on the committee, as well appoint an individual, be it from the business community, the private sector, the academic community, what have you, but I am asking this. Mr. Onorato has agreed to Chair this committee. I would hope that this committee could work in tandem with the ongoing budget review throughout the fall.

Any other comments or discussion? Hearing none, we need a motion to approve the minutes.

MR. COHEN moved to approve the Minutes of Tuesday, September 27, 1994.

MR. RICCIARDI seconded the motion.

Which motion prevailed.

The Chair:

And, please remember Mr. Onorato's post agenda. And, we need a motion to adjourn.

And on the motion of **MR. ONORATO**

Council adjourned.

(BEGINNING - MR. CUSICK'S COMMENTS ON BILLS NO. 806 THROUGH 811, WEDNESDAY, SEPTEMBER 28, 1994)

Mr. Cusick:

Last week I asked to have the bills held for one week and other councilmen may have other questions but after speaking with the Finance Department the Community Council is the primary purpose for these vacations is for the realty maintenance to allow the creation of a greenway in the section of Brookline. The secondary is to allow for proper subdivision of the future development of nearby property. I would like a commitment from the Finance Department and I don't think anyone is here from the URA.

Ms. Tenenbaum:

They are here.

Mr. Cusick:

Would you please come to the table? I would like a commitment from both Finance and the URA that if there's any future development plans for this area that my office be notified.

Mr. Hennigan:

You have our commitment.

Mr. Cusick:

Thank you.

The Chair:

Any other questions?

Mr. O'Connor:

I am sorry I came in late. You are talking about Dunster Street housing? That is a part of this?

Ms. Tenenbaum:

Yes, it is.

Mr. O'Connor:

On your memo I am concerned because we tried to stick up for the person last week there were some debates if there were seven or thirteen available there's a couple ways to do it. We

were saying should the URA or you -- like we have a list of people down here that want to buy those, if they want to come down and buy them at a reasonable price it probably sounds good for them and all that. On the other hand though in most developments previously I see in your memo after you put the sewers in we would look at putting sidewalks and curbs in. That has never been the case at least on new development that we the taxpayers would be doing that, usually a developer would do that.

Ms. Tenenbaum:

I think the Department of Public Works wants to take a look at that street and determine what type of a right-of-way would be developed. Some of Councilman Cusick's concerns was that the street be wide enough to allow parking on both sides of the street. Does the City want to require it to be a curbed sidewalk area or more of a suburban uncurbed area and those are issues that are still to be discussed and decided.

Mr. O'Connor:

I support that direction. The reason I'm concerned because there is a couple of places that we have who want to develop streets the same idea in Squirrel Hill have been waiting -- in fact there were at the point where they were going to pay for 75 percent of the improvements and the old administration we could never get off first base and I'm not blaming all of the Administration, some of the people involved too but I think we should have some sense of direction where we want to go because there's probably a lot of other neighborhoods like this that what's best for the taxpayers and what can work for the residents. As Mr. Cusick suggested if we didn't need curbs that may be a more practical way to do it if it's feasible and safe.

Ms. Tenenbaum:

Those are issues that are to be decided as the development progresses.

Mr. O'Connor:

Not only in this development because I have other developments I can bring to the table. Lincoln Place has a lot of issues like this Who would we talk to -- I'd like to coordinate so that's we're doing the same thing and treating everybody fairly.

Ms. Tenenbaum:

Through the Department of Public Works.

Mr. Cusick:

The surrounding streets that we're talking about don't have curbed sidewalks. They are basically the suburban on Ferncliff and probably you would not need a curbed sidewalk in the area because it's the make up of the area.

Mr. O'Connor:

In your memo it states here that we are requiring sidewalk and curbs. Its the bottom paragraph second to the last.

Ms. Tenenbaum:

No, "and any requirements if there are any." There would be a discussion as to whether or not it would be a requirement and it is flexible and it is still open for discussion at this point; nothing has been decided.

Mr. O'Connor:

There's a way to benefit everyone here.

Ms. Tenenbaum:

That whole issue of the improvements to Dunster Street, the curbs, the sidewalks, hasn't even been brought up yet. That is one of the steps that has to be taken in order to get the property subdivided and sold so it hasn't come up in any discussions.

Mr. O'Connor:

Do see the URA holding it or the City or selling it to one developer or selling off each piece to the individuals who are on the list?

Ms. Tenenbaum:

Because we already have seven or eight individuals who are interested in parcels, the preliminary intention would be to establish a market value through an independent appraiser, a commercial appraiser, establish a market value and direct the property to the individuals who are interested through the URA. By doing that we're receiving market value for the property but we are also ensuring that it is developed into a single-family homesite. So it's not necessarily one large developer coming in and developing all of the parcels.

Mr. O'Connor:

I like everything you said so far except you have to make sure where our requirements are.

Ms. Tenenbaum:

We do have a meeting scheduled for October 5th with the Pittsburgh Water and Sewer Department to see if they will commit to the sewers. If they do not commit then we cannot proceed with the developments.

Mr. O'Connor:

If they didn't you can put a price on it, a value, and that may go into the land or tax-increment financing. There's two or three options that I don't think you would want to close the door on it.

Ms. Tenenbaum:

We are first talking to the Pittsburgh Water and Sewer to see if they will commit themselves to putting sewers into the section.

Mr. O'Connor:

Everything will go through Councilman Cusick's office.

Ms. Tenenbaum:

Yes.

Mr. Cusick:

I want to make a quick comment so that my understanding is that there is no price on the properties as of yet.

Ms. Tenenbaum:

No.

Mr. Cusick:

Just because they are on the list they still need to be assessed by an independent assessor and these people will either agree to pay this price or they won't receive the properties. Whether or not, I don't know if I agree with having the list but

since we already do there are people anticipating having the option of purchasing rather move on this property.

(END OF COMMENTS)
PREPARED BY: MARY ANNE HRUSKA
STENOTYPE REPORTER

(BEGINNING - COUNCILMEMBERS' COMMENTS ON BILL NO. 1084, WEDNESDAY, SEPTEMBER 28, 1994)

Mr. Ferlo:

Members of Council, I think you have had a little bit of time to review this and I apologize for waiving Rule 8 but I thought that legislation was forthcoming from the Administration very quickly and I wanted to Council to give consideration to this request.

I think it's clear from the Mayor's own comments at various town meetings that I have attended that he's very sympathetic and strongly leaning towards the enactment and presentation to this Council of some type of juvenile curfew legislation. I think it's safe to say that at these town meetings and other individuals, especially older residents throughout our districts, whether it be my Council district or any other neighborhood citywide that on the surface it would appear that such curfew legislation is likely to have sex appeal and appeal in terms of people feeling that it would be one way to address a problem that some people feel that we have and I think all of us admit that we have a growing problem both real and perceived with juveniles throughout the city.

The legislation that eventually would be submitted which I believe is to come over here in the next few weeks as indicated by the Mayor is likely to be a subject not only of a public hearing but conceivably a law suit. Setting aside the legal issues, what I am trying to focus in on with this resolution is for us to better understand the implementation and the impact of any action by this Council and the Mayor to institute a juvenile curfew legislation city wide regardless of the hours, regardless of the day and I think in order to do that rather than just rely on one public hearing and a short discussion here at the Standing Committees Meeting when and if the bill comes over, I think we really need to ask the Administration to go through a process with this Council of evaluating on a practical level what the impact of any curfew legislation would be. The resolution as I have spelled out is intended to ask the Chief of Police and the Public Safety Director which we know we have an Acting Director, Mr. Sirabella, and obviously we rely heavily on Kathy Kraus who I guess I consider the Public Safety Director because she does all of the administrative work associated with public safety, for them to present and go through a process not only internally with the police but with the community and this Council. So you have before you information that we would like to see evaluated and presented and I will pick one example.

For instance, I have been at several town meetings and I know on a personal level complaints to our office -- does

everybody have a copy of the bill? Can we please get copies of the resolution?

I'll pick one practical thing. I know at various town meetings and I know complaints into my office where people who have had either a medical emergency on a Thursday, Friday and a Saturday evening or have actually wanted to report an important crime to the 911 emergency system has actually gotten a busy signal. Now I believe there's 12, 13 or 14 lines into 911 but I'm not exactly sure how many but I think we should realistically evaluate what we think or perceive the number of calls into that system based on enactment of curfew legislation. I can imagine I know even in my own Council district a lot of people would be calling demanding police intervention and presence as a result of curfew and maybe that is the impact we want to have happen the cause and effect, but we need to evaluate what the impact is going to be on the EEOC operations. There are a lot of practical issues about whether or not these juveniles are to be detained and in what manner. Recognizing a number of problems with state law, I think it would be wrong when you got 100-plus fairly violent juvenile offenders at Schumman, I think it would be wrong to detain them and bring them to Schumman the evening that they are picked up at the curfew if it's only they broke curfew or things of this sort. What's going to be on a practical level the method by which the police are going deal with the detainment of these youth offenders. On a practical side I believe and if I look through my own Council district -- again, we are not talking about large numbers of youth but a few problemsome youth, depending on the district and who we are talking about in terms of these youth offenders, the practical side is that in many cases in the late evening hours there is not going to be a parent or a guardian that the police are going to be able to even locate and I want to know in that case and if there is, that person is either going to be out on drugs or an alcoholic or some other problem and they are not going to even necessarily respond to the police request. What happens on a practical level in that instance and I think that's going to be unfortunately I wish we had a better family structure than we do in the city. The fact of the matter is that we have a lot of broken families and a lot of these kids are out on the street and we need to deal with them but we're not always going to be able to pick up the phone and say, "Hey, come down and pick up your kid", it's not going to be that easy. I think we need to look on a practical level what the costs associated with it are so that we can prepare the budget discussions and debate and another thing that is important and I credit the Mayor with understanding this problem -- his approach is distinct from previous Council debate is not you just have a curfew for the sake of a curfew. I have him speak and to his credit he's talking about using this as a legal tool to then try to identify troubled youth who then would be worked with in terms of funneling them into some kind of support network.

Well, on a practical side what does that mean? It has been this Council in all of the years that I have been here which is seven years, if it wasn't for us putting money back in for the Center of Victims of Violent Crime, Pittsburgh Action Against Rape and a lot of other agencies that are under the public safety umbrella, they didn't even appear in the annual budget. We put them back in and forced those relationships in public safety. There are other youth service providers and organizations that I would think would want to be contracted with to facilitate this laudable goal that the Mayor talks about. Who are the agencies they've talk to, what are the mechanics? I'm just using this as an example of some of the things that we should go through.

I also take on a practical side the legality issue. Some curfew legislation has been upheld legally, some hasn't and I think legally we need to be able to declare in the statement of findings why it is we're doing this, what is the documented need and I think we need to have and appreciation of the current incidents of juvenile crime and know when they are happening. Mr. Hertzberg's bill to his credit on the issue of truancy deals with one aspect. It is not a curfew per se but he targeted a specific issue during the daylight hours under the School Code involving truancy. It was a targeted approach and hopefully if it's enforced it might have a positive benefit.

I think there are a lot of issues that are documented in this resolution that we would like to evaluate prior to us just quickly entertaining and reviewing legislation for a juvenile curfew. My intent in submitting this today is not to obfuscate the issues, not to delay the inevitability of this Council voting in favor of a curfew but I would like to see us go through this process. And as part this and when and if a bill does come to this table from the Administration or any of my colleagues on juvenile curfew, I really advise us to have a series of evening public hearings out in the neighborhood to hear from residents as well as young people themselves on the actual proposed curfew. That is the intent and I would hope that my colleagues would be sympathetic to wanting to review this further and there in fact may be other substantive issues that we want the Administration to review and present to us and I'd be happy to amend this in any way that Councilmembers feel appropriate.

So I want to kick the ball off and start the discussion.

The Chair:

I would ask Miss Kraus and Chief Buford to come to the table.

Mr. Hertzberg:

I commend President Ferlo for introducing this bill. I think it's excellent and I support this.

I have heard a lot of rumblings that we are at the Law Department right now working on some form of a juvenile curfew legislation and I really have mixed feelings on the topic because I know it is going to wind up being a major infringement on the civil rights and civil liberties of a certain large class of individuals within the City of Pittsburgh and a lot of what we hear in the public meetings are legitimate problems and legitimate complaints and I think there is also something going on out there and I don't know if it's based on the shifting population in the area of Pittsburgh -- I think the age of our population has greatly changed and the demographics as a whole thing in the last 20 years to where you've almost got a little bit of reverse age discrimination going on out there and that's why I think this legislation will be nice. We can get together a study and objectively try to figure out what is going on out there because a curfew to me to infringe on the rights of the young people the way a curfew will do is something that you want to reserve this kind of action for an emergency situation. Do we have an emergency situation? We might. That's what I'm hopeful that this kind of study and public hearing will tell us and one of the things I don't quite see Mr. Ferlo and maybe you can help out and offer an amendment to it. I'd like to see like over the last 20 years statistically what level of prime rate we've had where the offenses are committed by juveniles. Can we see a rate of increase or is it something that is stable and it's a misperception out there?

The other thing we get into when you start deciding on the specifics of a curfew is, what age is the right age? Is it 12, 13,14,15,16,17,18? Where do we draw the line? I think we need to break the statistics down even by each age group if we could. Those are a couple of the proposals I'd like to see in the study, thank you.

Mr. Ferlo:

On that one point, Point Five under the resolution asks for the crime statistics on youth. What we can do is just amend that to look at a five-year period and not the more recent incidents. That was the intent of the part there to understand your point on what is the actual situation.

The Chair:

Chief or Ms. Kraus, I ran it buy some of the administratives, Sal Sirabella, and I was told that the Administration is in the process of doing a lot of what is on

the list right now. If you could elaborate on that and what do you see the prep work before any legislation would get to this table because my guess is you probably are reviewing a lot of these issues and if you're not, why and when will you do them?

Chf. Buford:

We have been reviewing a lot of the very points concerning the crime increase specifically with juveniles, the neighborhoods, the types of crimes, et cetera. That wouldn't be too difficult for us to pull it together for you. We would also like to do a comparison with other cities of our size and and see what they are doing. Certainly we would have to look at the space issues in case we have hold juveniles for any period of time, we need to look at that. We have to build a system and put a system in place that would permit us to notify parents or relatives or social agencies in case we can't notify the parent. So I think it's good legislation and we should look at it more in-depth. I think on surface the primary legislation on curfew is good because there's a problem out there. We do have to address the problem and take into consideration the selective enforcement issues. There are some neighborhoods where youths are really raising havoc in those communities and we must deal with it legally and there are other communities where the youth have nothing to do but congregate and loaf at different intersections and that also must be addressed but for the kids who are out there causing problems in terms of what we need to do in law enforcement, we need to address the problem youths.

The Chair:

Chief, dealing with this specific piece in front of us, do you see this in any way slowing up the process that you have in mind right now or are you supportive of this legislation? I'm not sure what the Administration's feeling is on this particular piece of legislation in front of us and have you had time to review this?

Chf. Buford:

Yes. I support the legislation. I think that it gives us an opportunity to enhance what we are already doing. We can paint a better picture of what's out there and perhaps if any adjustments need to be made in the original legislation I'm sure it will be addressed.

The Chair:

Do you have any idea of when the curfew legislation would be presented to this Council?

Chf. Buford:

I would imagine in one month.

Ms. Kraus:

I'm not sure, it's part of a youth policy that's being formulated. The curfew is just one element of it.

Mr. Smith:

Director Kraus, I handed you the legislation. Is there any way that you can handle that in-house based on computer records already existing?

Ms. Kraus:

This is first time I have seen this.

Mr. Smith:

I understand that but I am saying what I don't know is, does public safety have five years worth of records on computer?

Ms. Kraus:

We have.

Mr. Smith:

So you have some ability that you will not have to go through handbooks.

Ms. Kraus:

No. There may be some elements in here that we wouldn't have computerized but we haven't had a chance to evaluate it that closely.

Mr. Smith:

But we do have some records that are available. Could you pull something together for us given your staffing size?

Ms. Kraus:

We will do the best we can working with the Administration to pull this information together.

Mr. Cohen:

Mr. Chairman, I support this legislation because I think that we should make as informed a decision as we possibly can on the curfew legislation and on any public safety legislation that comes before us. It is a little unusual to have legislation that requires information about a bill that hasn't been submitted but that aside, the information that Councilman Ferlo is asking for is important information and hopefully information that you would present to us anyway when the legislation is introduced and information that we would be asking for, but certainly the experience of other cities that have had curfews and the cost factors which of course is a huge question. All of those have to be nailed down before we can make an informed decision on this legislation and for that reason I think it's a good bill and I support it.

Just on a couple minor things. Most of this Mr. Ferlo is substantive information that sought the Section Two though is procedural about public hearings and it is somewhat vague. It says "televised public hearings". I heard you on the radio talking about four public hearings around the city. That's also fine with me but I think as a Council we need to decide how to go about that procedurally and I'd like to know whether if we pass this today and finally on Tuesday you're assuming that means four public hearings in the north, south east and west of the city.

Mr. Ferlo:

We can take this up. Clearly just in terms of prerogatives as Council President, if and when a bill gets submitted obviously I'd rather not have to go through the procedure of collecting signatures on a petition. I would hope that we would want to have a public hearing but given the impact and given what I think is the Mayor's approach and that is to actively involve the community in the actual enactment of the legislation by getting their input and being able to hear from them the issue of how are these young people going to be detained, what agencies are going to be contracted with in terms of the safety net that the Mayor talks about. I think just the process of outreach in the public hearing format will help elicit some of that concern in the expression of support and enthusiasm if there's going to be a curfew. I think often times we have a public hearing here, it's during the day and I don't think it necessarily affords an opportunity of even young people themselves speaking up on this issue who are going to be most directly affected. I would like to see and we've heard expressions from Mr. Hertzberg and others that there are parts of this city that don't seem to tie in as much as maybe the East End to some of these issues that come up in Council. I thought if we get a bill that's introduced by the Administration through

your committee of public safety that we would move quickly to have -- I would like to at least see a hearing maybe in Sheraden, maybe in Homewood, maybe in Upper Northside, maybe in the inner city community, but just have some --

Mr. Cohen:

-- that's my concern. Nothing against those neighborhoods, those are great neighborhoods and let's have public hearing there but I do think that we as a body should decide which neighborhoods we're going to be cutting out and I'll support the legislation but I don't support something that's not written here.

Mr. Ferlo:

I have no problem taking that out. Technically I can set up whatever hearing I want but I'd rather do that inconsultation with my colleagues.

Mr. Cohen:

Let's do it that way.

Mr. Ferlo:

Let's remove that section. The intent here though is before we rush to judgment to pass curfew, let's make sure we have some hearings broader than the traditional hearing during the day in Council Chambers, that was the intent here. Why don't we take that out and I will work with each one of you and get input on any series of public hearings. It doesn't have to be four, it can be nine for all I care.

If Mr. Cohen makes a motion to delete I'll second it at Section Two.

Mr. Cohen:

So move.

Mr. Ferlo:

Second.

The Chair:

All in favor of deleting Section Two? Opposed? The ayes have it. On the bill as amended?

Mr. Cohen:

Just to continue if I could and please don't take that the wrong way. We should have a lot of public hearings but let's decide on where they should be and how they should be.

Let me say this. I have met with both deputy mayors on the curfew issue and I think the approach they are taking is a good one. We have to see it in writing of course and study it and analyze it and vote on it but the approach is a good one because it isn't just a targeted curfew. They are trying to take a comprehensive approach whereby we deal with the entire youth violence problem and it is not a matter of detaining and jail cells but rather towards community centers and we need to look at that whole issue but I think that approach makes sense and we need to see the legislation before we can act on it. But the information that's asked for here is very reasonable and at the same time though you have to make sure that this doesn't delay any action that is taken by the Administration and by this Council because the bottom line is we have to take stronger steps to combat youth violence and I hope we do that as swiftly as possible.

Mr. Ferlo:

On Mr. Hertzberg's point maybe we can amend Item 5 under Section 1 on this issue of the collection and the assembly of statistics and just make it for a several-year period whatever public safety can reasonably put together so it's not this year's but if you go back three or four or five years. We don't have to be specific on the number of years. Maybe if we could amend it to say for a several-year period or do you have some suggested language?

Mr. Hertzberg:

I'd actually like to go back 20 if we could.

Ms. Kraus:

I'm not sure if that would be available.

Mr. Ferlo:

Why don't we amend it, the goal would be for a five-year statistic.

Mr. Smith:

Second.

Mr. Hertzberg:

Mr. President, another item I mentioned too -- if this is too much to do just say so but I mean what's a juvenile? Can we break it down into actual ages?

Ms. Kraus:

Yes.

Mr. Ferlo:

We will do it by age group for a period of five years.

Mr. Cohen:

I very much support that idea because I think we need to see some evidence of what the age group should be. Every one of these curfews that I've looked at has been age 17 or younger and I don't know where they got age 17, if that is from common sense or whether there's really some factual basis for deciding that age so I would support putting that in too.

Mr. Smith:

I think part of it is at 18 you change the legal status and so therefore to put 18 in the bill as part of the curfew means you're holding them as part of a curfew even though their legal status has changed after that 18th birthday.

Mr. Cohen:

I'm sure that's a big part of it, yes. The other is a nit-picky thing. It has the date, November 31st in here which I don't think is a date, I think you want November 30th there.

Mr. Smith:

In other words you don't have to do the project.

Mr. Ferlo:

Why don't I second the amendment correcting the two things, correcting November 30th and for a five-year period with age group on the crime stats.

The Chair:

All in favor? Opposed? The ayes have it. On the bill as amended?

Mr. Ricciardi:

I will very brief. Let me first say that I support a curfew here in the City of Pittsburgh. I think one is needed and I think the statistics bear it out and I'll only take less than one minute. The 1991 police statistical report states that 17 percent of all the suspects arrested for rape were juveniles ages 13 to 17;

22 percent of all suspects arrested for felonies were juveniles, age 10 to 17;

23 percent of all suspects arrested for burglary were juveniles ages 10 to 17;

38 percent of all suspects arrested for vandalism were juveniles aged 10 to 17;

52 percent of all suspects arrested for vehicle theft were juveniles aged 10 to 17.

So I am looking forward and I welcome the legislation put forth by the Mayor. Let me also state that I was first suspect of the bill because I realized the sponsor has made statements in the past and also have been quoted in the newspaper opposing a curfew. However, once reviewing the legislation before us today, I welcome the information because I think it's just going to show and make it more defensible to put forth legislation but one is definitely needed in the City of Pittsburgh, I support it and I support the legislation before us and I hope that Mayor Murphy brings it as fast as possible.

Mr. Ferlo:

I'm very proud of the past curfew legislation because of the way it was written in terms of its legality and quite frankly I thought it was a kneejerk response on the part of previous administrations who did not give any thinking or thought to the kinds of issues that Mayor Murphy is reviewing. I think it was a PR quick fix without actually going through understanding the impact and the mechanics. Now we seem to have a mayor and an administration that's fundamentally changed in terms of wanting to look at something from a serious side in terms of what its practical impact and what the implementation is going to be. The jury is still out on that in terms of my own concern but I am willing to participate and move the process along because I think the atmosphere has changed.

Just one other practical thing. I am not seeking to amend the resolution and I'll pick an example that I'm concerned about and I want to make my constituents very clear within Zone 5. Right now in Zone 5 there is a significant problem right now

with police response time on critical crimes in Zone 5 whether it be Lawrenceville or the East Hills, Bloomfield or all the different neighborhoods that make Zone 5 up. I want to understand before we implement curfew, before we have some police officers running around babysitting, I want to know what is the police response time and quite frankly if we're going to have curfew I'm going to try to convince the Mayor that I want more officers within Zone 5 and less officers in other neighborhoods that don't have the number of incidents of youth crime that we seem to have in Zone 5. That is a practical issue that I want to know about. We have a zone commander who has done a great job, Commander Woodard, but he doesn't have the number of officers each week that you see on the budget list -- 137 are supposed to be at his zone and that's a bunch of malarkey. Between the ones on disability compensation and the ones that aren't even there are assigned a special duty, he may have one-half that number. So I want to understand, I want the residents to understand that in voting for this curfew and I would not want to see a situation where somebody's dealing with a curfew issue and not having responded to somebody who's using a weapon or somebody is breaking in. There was a gentlemen from Friendship last night that talked about a several-hour period in which the police did not respond -- but in any event whether you use his statements last night at a town meeting or we hear other complaints and I've gone to -- I mean, I probably go to 20 or 30 block watch meetings throughout the Zone 5 and it is clear that there is a concern about police response time to serious crime that actually is the immediate endangerment of family and life and of personage and I think it's important for us to understand these issues in terms of zone staffing before we vote on the curfew and that's the intent here.

Mr. Ricciardi:

Just in response because I think some of the comments were directed towards me and I support that but I believe with a curfew you going to have less calls to 911 because you're going to have the bad actors off the streets.

Mr. Ferlo:

That remains to be seen, I hope you're right.

The Chair:

When I first heard of Mr. Ferlo's bill I was very skeptical of the legislation but after reviewing it and talking with him, I have to admit it's a good bill because obviously I stated many times I'm a favor of a curfew and I think this bill would give us information that is necessary. I don't think any of the information that will be presented to us is going to discourage My view on a curfew bill but what I think it will do is help us

draft a piece of legislation that could address some of concerns that come up in your findings. The issue that Councilman Ferlo bring up about the 911 calls and the busy signals is something that has to be addressed and we might as well address it before we implement the curfew bill. The other issue is about which zone has more officers, which one has the most calls and that is something that has to be addressed too. I'm a strong believer in that over the last ten years this city and a lot of major cities have gotten away from handling the nuisance calls and became captive to 911 along with the critical calls and we lost the total quality of life in the city. Somebody living on the street that has an individual who is blasting music at 4 AM, that is just as much a problem for this city as something that's shooting somebody down the street because they're the types of nuisance problems that are forcing people out of the city and you can see that the whole tax base is eroding and I think we have a get back to the quality of life issues which could be considered nuisance calls when you hear about teenagers shooting each other but it's something that we have to address just as often as we do the other issues because we want to make sure that the neighborhoods are a nice place besides a safe place to live and I think a curfew would go a long way in that direction. So stating that, I am in favor of this piece of legislation because hearing everyone here and from the Administration, it will in no way slow up the process of the legislation that the Administration is bringing forward. All in favor? Opposed? The ayes have it.

(END OF COMMENTS)
PREPARED BY: MARY ANNE HRUSKA
STENOTYPE REPORTER

MUNICIPAL RECORD

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ONE-HUNDRED TWENTY-EIGHTH COUNCIL

JIM FERLO.....President
LINDA M. JOHNSON-WASLER.....City Clerk
KURT J. SALAC.....Asst. City Clerk

Pittsburgh, PA
Tuesday, October 11, 1994

PRESENT:

Mr. Cohen	**Mr. Onorato**
Mr. Cusick	**Mr. Ricciardi**
Mr. Hertzberg	**Mr. Smith**
Mr. O'Connor	**Mr. Ferlo (Pres't)**

The Chair:

Good morning, everyone. I would like to welcome everyone to City Council's Legislative Session.

Would you all please rise for the Pledge of Allegiance and would you please remain standing for a moment of silent prayer so that we may have peace throughout the world.

We are very honored and pleased to have a young girl here today, Tamara Smith; she is a 4th Grader in the Scholarship Program at East Hills School, and her grandma is here, Mrs. Smith. Tamara is going to lead us in the Pledge of Allegiance.

Tamara Smith:

I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

The Chair:

Thank you. Thank you, Tamara. The City Clerk would like to give you the flag of our City and the flag of our country as a gift. We appreciate you and your grandma coming down here today. If you watch us tonight at 7 o'clock, you can have your school mates watch you leading us the Pledge of Allegiance.

PRESENTATIONS

The Chair:

Good morning, we have some guests in the audience today, and I think we have -- Councilman Smith has a proclamation, either to be read into the record, or maybe you have guests here today.

Mr. Smith:

I have guests.

The Chair:

You have guests. Councilman Smith.

Mr. Smith:

This is Mr. Dan Keeney of Ketchum Public Relations, and I think all of you will be very happy to support this resolution.

MR. SMITH PRESENTS

No. 1126 WHEREAS, on October 17, 1994, an upscale Thrift Drug Store will open in the

new heart of the downtown shopping district and will be located in the former Gimbel's Building, at the corner of Sixth and Smithfield Streets; and,

WHEREAS, the official ribbon-cutting ceremony will take place at 11 a.m. at the new store. the festivities have been dubbed "Feeling Grand" Opening by Thrift; and,

WHEREAS, while Thrift has more than 60 stores in Allegheny County, the Thrift Drug Store chain has had a limited presence in downtown Pittsburgh. The new Thrift will employ 20 associates to serve consumers in a space that's been vacant for nearly seven years; and,

WHEREAS, the Thrift Drug Gimbel's location is tailored to the downtown audience. The 8,600 square feet of shopping space will carry an atypical merchandise mix, including health foods geared to making you feel grand, and will also offer merchandise not normally associated with drug store items, such as prestige fragrances and cosmetics, along with services including custom gift baskets, floral arrangements and free delivery, which establishes the new Thrift Drug as one of a kind; and,

WHEREAS, the store will join the growing number of downtown retailers open on Sundays. Store hours are Monday to Saturday, 7 a.m. to 9 p.m. and Sunday 11 a.m. to 5 p.m. The Pharmacy will be open Monday through Friday 8 a.m. to 7 p.m. and Sunday, 11 a.m. to 5 p.m.

NOW, THEREFORE, BE IT RESOLVED, that the City of Pittsburgh commends the Thrift Drug Store chain for showing confidence in the economic growth of Downtown Pittsburgh and declares Monday, October 17, 1994, as "Feeling Grand Day" in the City of Pittsburgh.

MR. SMITH moved to adopt the resolution.

MR. COHEN seconded the motion.

Which motion prevailed.

Mr. Smith:

Thank you, everyone. I am going to ask Mr. Keeney to say a couple of words on behalf of Thrift.

This is a very positive move for the Downtown community and the fact that we are getting and attracting new businesses that have not really looked at us as a viable alternative, and Downtown is the heart of Council District 6. So, I want to say, thank you very much.

Mr. Keeney:

Thank you, Councilman.

I will make this quick. I just want to say that I do view this as an important step for the evolution. A lot of -- not probably too much has been said about Renaissance Three, but it is small steps like this that really do add up to more people, more residents, more workers, more companies coming to Downtown Pittsburgh and we are proud to be a part of that at Thrift. Thanks a lot.

The Chair:

Congratulations. At this time we -- are there any others who have any proclamations needed to be read into the record? If not, we will move to Presentation of Papers. Councilman Cohen, Committee on Public Safety.

Mr. Cohen:

Mr. President.

The Chair:

Thank you, Mr. Cohen.

MR. COHEN PRESENTED

No. 1127 Resolution authorizing the transfer of $20,000.00 from Code Account 1400, Index Code 140004, Salaries and Wages, Bureau of Administration, to Code Account 1401, Index Code 140103, Miscellaneous Services, Bureau of Administration, Department of Public Safety.

Which was read and referred to the Committee on Finance.

MR. COHEN moved to suspend Rule 8 by providing for consideration of the bill only until or after the 8th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

MR. RICCIARDI seconded the motion.

Which motion prevailed.]

MR. ONORATO PRESENTED

No. 1128 Resolution providing for the issuance of a $1,018.07 warrant in favor of Kim A. Bodnar for auto damage involving a City snowplow, charging same to Code Account 46, Judgments.

Also,

No. 1129 Resolution providing for the use of a $890.49 warrant in favor of Michael Richard for auto damage involving a City EMS vehicle, charging same to Code Account No. 46, Judgments.

Also,

No. 1130 Resolution providing for the issuance of a $975.00 warrant in favor of Frank Embersit in settlement of claim for sidewalk damage, charging same to Code Account No. 46, Judgments.

Also,

No. 1131 Resolution providing for the issuance of a $785.74 warrant in favor of James Van Steenberg for auto damage involving a City Police vehicle, charging same to Code Account No. 46, Judgments.

Also,

No. 1132 Resolution providing for the filing of a petition or petitions for the sale of certain property or properties, acquired at tax sales in accordance with Act No. 171 of 1984, entitled, "Second Class City Treasurer Sale and Collection Act," effective December 11, 1984.

Also,

No. 1133 Communication from Barbara M. Parees, Director, Dept. of Personnel and Civil Service, requesting permission to reimburse John Turyan (a non-city employee) Chair, Pittsburgh Private Industry Council, for expenses incurred while attending NAPIC Conference in Dallas, Texas from September 23 to 25, 1994. total cost not to exceed $402.00, chargeable to and payable from the JTPA-1 Trust Fund.

Which were severally read and referred to the Committee on Finance.

MR. RICCIARDI PRESENTED

No. 1134 Resolution transferring the amount of Ninety Thousand ($90,000.00) Dollars from Code Account 1666, Salaries and Wages, Regular Employees, Index code 166603, to Code Account 1501, Premium Pay, Index Code 150102, both accounts within the Department of Public Works.

Also,

No. 1135 Resolution transferring the amount of Thirty Thousand ($30,000.00) Dollars from Code Account 1800-1, Premium Pay, Index Code 180018, Department of Parks and Recreation, to Code Account 1700-1, Premium Pay, Index Code 170019, Bureau of Parks Maintenance, Department of Public Works.

Also,

No. 1136 Resolution transferring the amount of Six Thousand ($6,000.00) Dollars from Code Account 1612-2, Equipment, Index Code 161224, Bureau of Operations, to Code Account 1728-1, Premium Pay, Index Code 172817, Bureau of Parks Maintenance, both accounts within the Department of Public Works.

Which were severally read and referred to the Committee on Finance.

Also,

No. 1137 Resolution granting unto The Pennsylvania Institute of Culinary Arts, 808 Liberty Avenue, Pittsburgh, Pennsylvania, 15222, their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, a vault in a portion of the sidewalk area on Liberty Avenue in the 2nd Ward, 6th Council District of the City of Pittsburgh.

Which was read and referred to the Committee on Public Works.

MR. RICCIARDI moved to suspend Rule 8 by providing for consideration of the bills only until or after the 8th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

MR. CUSICK seconded the motion.

Which motion prevailed.

MR. SMITH PRESENTED

No. 1138 Resolution amending Resolution #53, approved February 5, 1991, which amended Resolution #60, approved February 7, 1989, entitled "Amending Resolution #637, approved July 27, 1989, entitled 'Providing for implementation of a Residential Parking Permit Program in portions of the West Oakland Community pursuant to Pittsburgh Code Chapter 549, so as to amending the streets included in Area "C" so as to have one block of Halket Street in Council District #6 included in Area "C"."

Also,

No. 1139 Resolution amending Resolution 585, effective June 11, 1990, which amended Resolution 994, effective December 27, 1989, entitled "Resolution providing for the implementation of Residential Parking Permit Program (RPPP) in the Shadyside Community pursuant to Pittsburgh Code Chapter 549, so as to expand the streets included in the existing Shadyside RPPP Area "J", by adding the block of Bayard Street from Devonshire Street to North Craig Street which block was inadvertently not included in the final draft of the ordinance," so as to expand the streets included in Area "J" in Council District #6.

Also,

No. 1140 Resolution amending Resolution No. 268, effective April 1, 1989, entitled "Resolution amending Resolution No. 32, effective February 8, 1988, and Resolution No. 579, effective July 11, 1988, providing for an Agreement or Agreements with the Pittsburgh Aids Task Force, Inc., for the furnishing of professional services in connection with its programs of advocacy services, education, risk reduction, and other programs of awareness and compassion for the benefit of all residents of the City of Pittsburgh" so as to correct an error on Resolution No. 268, chargeable to and payable from Code Account 1103 (110304) $40,000, 1988 CDBG Program, $3,972.00 and 1989 CDBG Program, $2,000.00.

Also,

No. 1141 Resolution providing for an Agreement or Agreements for the provision of operating support to the following Community Based Organizations undertaking community economic development activities: Pittsburgh Partnership for Neighborhood Development, Lawrenceville Development Corporation and Lawrenceville Citizens Council, Inc., at a cost not to exceed $71,980.60.

Which were severally read and referred to the Committee on Planning, Housing & Development.

THE CHAIR PRESENTED

No. 1142 An Ordinance amending the Pittsburgh Code, Title Seven, Business Licensing, Article VII, Service Business, by adding Chapter 768, TOW TRUCKS.—**(SPONSORED BY MR. FERLO)**

Which was read and referred to the Committee on Public Safety.

The Chair:

I would like to ask respectfully for a motion to waive Rule 8, given the fact that this is proposing a licensure requirement for not only tow trucks but drivers and the company. I suggest we have a public hearing on it.

So, I would like to just waive Rule 8, get it on the agenda and then refer it for a public hearing.

MR. SMITH moved to suspend Rule 8 by providing for consideration of the bill only until or after the 8th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

UNFINISHED BUSINESS

The Chair;

Under Unfinished Business, we have a communication from Mayor Murphy.

THE CHAIR PRESENTS

No. 1143 Communication from Tom Murphy, Mayor, City of Pittsburgh, returning with his veto Bill No. 1008 entitled, "Resolution further amending Resolution No. 1348, effective Jan. 1, 1993, entitled, 'Adopting and Approving the 1993 Capital Budget and the 1993 Community Development Block Grant Program; and approving the 1993 through 1998 Capital Improvement Program,' so as to reduce a line item in Parks and Recreation, and increase a line item in City Council.

Which was read, received and filed.

The Chair:

Councilman Cusick.

Mr. Cusick:

Regarding Bill 1008, I would like to make a motion at this time to override the Mayor's veto.

The Chair:

The motion is on the floor.

MR. HERTZBERG seconded the motion.

The Chair:

Seconded by Mr. Hertzberg. Discussion.

I have spoken to all of you individually. I apologize to Mr. Cohen; I did not have a chance to speak with him this morning. Supermajoritys have indicated their support for continued funding and expanded funding of this important organization. I would respectfully ask to give consideration to vote in the affirmative on the overriding of the veto.

Mr. Cusick.

Mr. Cusick:

I would just like to publicly state why I am supporting the override. And, I think that Council President Ferlo has shown us what $8300.00 could do in our community, the impact it has had on St. Mary's -- I believe it is St. Mary's Church Arts Program -- and I think the impact is somewhere around 300 children that they were able to provide additional programming for.

I think that this late in the year we have given the Administration an opportunity to spend these dollars and they have not done that up to this point. I think there are a lot of children out there waiting for some alternative programming. So, for that reason I will be supporting this override today.

The Chair:

Mr. Hertzberg. Thank you, Mr. Cusick.

Mr. Hertzberg:

Thank you, Mr. President.

This legislation, of course, involves funding originally set up for the Youth Commission legislation, which you, Mr. President, sponsored a couple years ago, and the funds have been basically dormant there, they are CDBG funds, federal funds, which were designed to be spent on the youth of the City of Pittsburgh.

Procedurally what went on here is bothersome to me and that is one of the reasons why I am voting to override this veto. That is, when you introduced this legislation you summarized it and it was very clear what was happening. We discussed it in a preliminary vote, as is our normal fashion, without any waiver of Rule 8. So, there was another week in there, then another week before the final vote. At no point in time did I, at least, receive any indication that this legislation was problematic to the Administration but once we passed it we got it back with a veto.

The reasons that I have received for the veto from the Mayor are that, we would like to use this funding in place of the originally budgeted funds for the School-based Recreation Program. I do not agree with that at all. I do not think we need to be spending less money on our youth at risk, I think we need to be spending more money

on it. I realize we have a fiscal crisis in this City, but I think the larger emergency we have is with the young people here. Because while we are sitting here trying to figure out the best way to handle this thing, the best way to figure out who is doing what for the young people, young people are killing each other, unfortunately.

There are programs like the one that Mr. Ferlo wishes to fund, that are in operation, can use the funds as quickly as we can get it to them and can at least address the problem. They are not going to solve it all but they can start addressing the problem more.

So, I do not think this is an area where we should be cutting spending; I think it is an area where we should be increasing spending, and I think it is an area where we can find the money, as you have found the money, Mr. President, to try to increase the spending. I know there are some other areas. I am very familiar with all the fiscal figures in our operating funds for this year. It is going to be tight but I think we can do it. I know there are a lot of assets out there, assets that people are interested in purchasing and that we are considering selling, that can be sold. We can make ends meet this year and we will. I do not think this is going to break the back of the operating budget. I think we need to do it; it is an emergency situation. So, I am voting to override the veto.

The Chair:

Thank you, Mr. Hertzberg. Councilman Onorato.

Mr. Onorato:

Yes. Over the last three weeks I got to review what the program is and -- over at St. Mary's in Lawrenceville -- and I have to say that after two votes in favor, one a preliminary and then a final vote, that I will continue to show my support.

However, I think we can achieve both goals here. The Mayor's Office has a legitimate point here in what they want to fund. As everyone knows, the Youth Commission started under a previous Administration. I know, talking with the President of Council and some of my colleagues here, that I feel that we have a commitment here to fully fund this program and there is no reason why we can't do both.

The 75,000 that was originally moved came from Council over there, and this was a move just to assure an $8,000.00 grant to continue a program that is in existence as we speak. It appeared that they were having some financial difficulties, but the number of kids they were reaching out to, this was just one way to help them out.

If it is an issue over where the funds should come from, I would ask that after this meeting, sometime this week, that we address the issue of funding the Youth Commission, or the After School Program, whatever it is called, and that we make sure that goal is also achieved.

I do not think there is any reason why there should be a fight here on this issue. I think that we could accomplish both the goals.

The Chair:

Mr. Ricciardi.

Mr. Ricciardi:

Thank you, Mr. President. First, let me say that Councilman Hertzberg's opening remarks I thought were excellent and they were very good and to the point, and that is that while the legislation was being addressed that someone from the Administration should have been at the table.

Directly, let me say, I am very disappointed that Gwen Elliott was not at the table because it is my understanding that this is her responsibility on the Mayor's staff.

However, today I will be voting to sustain Mayor Murphy's veto. Let me say that these were stagnant federal dollars, that Councilman Ferlo has initiated to get them off the table and into the neighborhoods, and he is to be commended for that. However, after reviewing the ideas of ourselves and that of the Mayor, that I believe the monies can be better spent in the school-based operations; it would also relieve our operating dollars because we will be able to move over CDBG dollars.

So, for that reason I will be voting to sustain Mayor Murphy's veto today.

The Chair:

Thank you, Mr. Ricciardi. Others? Mr. Cohen.

Mr. Cohen:

Thank you, Mr. President. I will also be voting to sustain the veto. I voted for this bill originally because of the lack of action on the Youth Policy Commission. I was under the impression that Council President had worked this out with the Mayor's Office and our two budget offices. I have since found out that was not true and also that the Mayor had intended to use this for the School-based Recreation Program that was initiated by Councilman Bob O'Connor. I was a strong supporter of that program and I have been disappointed that it has not been moving forward very quickly.

I think that is a better use of the money, I think it is a City wide use and one that will also allow us to take steps toward solving our budget crisis. I wish that we could add this amount to our grants but I do not think that would be the best thing to do right now. Nothing against St. Mary's program, I am sure that it is a terrific program and one that benefits youth, but at the same time I think we do have to look toward City wide focus on helping our youth and also to make the tough decisions on getting our budget back in balance.

The Chair:

Thank you, Mr. Cohen. Others? Mr. O'Connor.

Mr. O'Connor:

I am supporting the legislation because I think it can benefit -- the way we have worked it out can benefit both parties.

I agree that the Youth Commission has not spent the money in two years, and I agree with the Mayor, putting that money in a school-based program would be a good idea. So, I -- but I think a couple dollars to go to St. Mary's and any other special interest for youth, I can support. That way -- like I say, I am supporting the legislation with the contingent, the rest -- all the money, if it is not spent for the school-based program, would go to special youth programs such as St. Mary's.

The Chair:

Thank you, Mr. O'Connor. Other comments? Hearing none, call the question. Roll call vote on the motion to override the Mayor's veto. Obviously I have a lot to say but I will defer.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cusick	Mr. Onorato
Mr. Hertzberg	Mr. Smith
Mr. O'Connor	Mr. Ferlo (Pres't)

AYES 6 NOES 2

VOTING NO:

Mr. Cohen
Mr. Ricciardi

And there being two-thirds of the votes of Council, the Mayor's veto was overridden.

The Chair:

The Mayor's veto is overridden, the bill stands.

Any other matter under Unfinished Business or Reports from Special Committees?

I do want to welcome some of our friends from the St. Mary's/Lawrenceville Arts Program, representing 300 families from Bloomfield, Garfield and the Lawrenceville community.

REPORTS OF COMMITTEES

MR. ONORATO PRESENTED

Bill No. 1144

Report of the Committee on Finance for October 5, 1994, transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 1040

An Ordinance entitled, "An Ordinance SUPPLEMENTING the Pittsburgh Code, Title One - Administrative, Article VII - Procedures, Chapter 161 - Contracts, by adding Section 161.27 - Reports on City Council Grants.---(SPONSORED BY MR. COHEN AND MR. HERTZBERG---(AS AMENDED)

Which was read.

Also,

Bill No. 1041

A Resolution entitled, "Resolution supplementing the City of Pittsburgh Rules of Council by adding Rule XVIII, providing procedures for the authorization of grants of federal and local taxpayer funds to non-profit organizations serving the residents of the City of Pittsburgh.---(SPONSORED BY MR. COHEN & MR. HERTZBERG)---(AS AMENDED)

Which was read.

Also,

Bill No. 1063

A Resolution entitled, "Resolution TRANSFERRING the amount of $300,000.00 from Code Account 2, Index Code 000208, Sinking Fund Bond Maturities, to Code Account PZTF, Pittsburgh Zoo Trust Fund, Index Code 253690 in the Department of Parks and Recreation."

Which was read.

Also,

Bill 1072

A Resolution entitled, "Resolution AUTHORIZING the City of Pittsburgh to issue a quit-claim deed for property designated in the 15th Ward as 54-M-66, at the corner of Flemington and Monteiro Streets, to Thomas and Alison F. Ohlmeyer, adjacent owners, for the sum of One ($1.00) Dollar.

Which was read.

Also,

Bill No. 1073

A Resolution entitled, "Resolution PROVIDING FOR CONVEYANCE BY THE CITY OF PITTSBURGH OF CERTAIN PROPERTY, UNDER ACT NO. 171 OF 1984, ENTITLED, "SECOND CLASS CITY TREASURER SALE AND COLLECTION ACT," EFFECTIVE DECEMBER 11, 1984.

Which was read.

Also,

Bill No. 1074

A Resolution entitled, "Resolution PROVIDING FOR CONVEYANCE BY THE CITY OF PITTSBURGH OF CERTAIN PROPERTY, UNDER ACT NO. 171 OF 1984, ENTITLED, "SECOND CLASS CITY TREASURER SALE AND COLLECTION ACT," EFFECTIVE DECEMBER 11, 1984.

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills? Mr. Cohen.

Mr. Cohen:

Mr. President, I would like my comments brought forward on Bill 1040 and 1041, please.

(REMARKS – SEE ADDENDUM)

The Chair:

Other comments? Mr. Hertzberg.

Mr. Hertzberg:

My comments also on 1040 and 1041. I want to thank Councilman and Co-sponsor of that

legislation, Dan Cohen, for working so hard and so closely with me on what I feel is going to be appropriate and beneficial legislation for City Council.

(REMARKS -- SEE ADDENDUM)

The Chair:

Thank you very much. Any other comments?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Smith
Mr. O'Connor	Mr. Ferlo
	(Pres't)

AYES 8 NOES none

The bills having received the legally required number of votes are passed finally.

Also,

Bill No. 1075

A Resolution entitled, "Resolution AUTHORIZING THE ISSUANCE OF A WARRANT IN FAVOR OF WALSH EQUIPMENT, INC., IN THE AMOUNT OF $2,910.50 IN PAYMENT FOR THE PURCHASE OF CHANNEL POSTS FURNISHED FOR THE BENEFIT OF THE CITY WITHOUT PREVIOUS AUTHORITY OF LAW, AND PROVIDING FOR THE PAYMENT THEREOF."

Which was read.

Also,

Bill No. 1076

A Resolution entitled, "Resolution providing for the issuance of a warrant or warrants in favor of the Russell Standard Corporation, in the amount of Three Hundred Seventy Five Thousand ($375,000.00) Dollars, for upgraded specifications for linestriping tape that is used for hot mix paving.

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Smith
Mr. O'Connor	Mr. Ferlo
	(Pres't)

AYES 8 NOES none

And there being two-thirds of the votes of Council being in the affirmative, the bills passed finally.

MR. RICCIARDI PRESENTED

Bill No. 1145

Report of the Committee on Public Works for October 5, 1994, transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 1071

A Resolution entitled, "Resolution amending Resolution No. 265 effective April 25, 1994, entitled "Vacating Arcola Way between Voskamp

Street and Welser Way in the 24th Ward, 1st Council District of the City of Pittsburgh, by changing Section 1"---**(SPONSORED BY MR. ONORATO---(AS AMENDED)**

Which was read.

Also,

Bill No. 1077

A Resolution entitled, "Resolution granting unto John D. Caruso, 561 Calera Street, Pittsburgh, Pennsylvania, 15207, his successors and assigns, the privilege and license to construct, maintain and use at his own cost and expense, a building addition on a portion of the right-of-way on Ganges Way in the 31st Ward, 5th Council District of the City of Pittsburgh."

Which was read.

Also,

Bill No. 1078

A Resolution entitled, "Resolution granting unto the Laborer's district Council of Western Pennsylvania, 1101 fifth Avenue, Pittsburgh, Pennsylvania, 15219, their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, for staging, loading and unloading materials for adjacent property owner's use on a portion of the right-of-way on Congress Street in the 3rd Ward, 6th Council District of the City of Pittsburgh."

Which was read.

Also,

Bill No. 1079

A Resolution entitled, "Resolution granting unto the University of Pittsburgh, 3500 Victoria Street, Pittsburgh, Pennsylvania, 15260, their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, a handicap ramp on a portion of the sidewalk area on Victoria Street in the 4th Ward, 8th Council District of the City of Pittsburgh."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Smith
Mr. O'Connor	Mr. Ferlo (Pres't)

AYES 8 NOES none

The bills having received the legally required number of votes are passed finally.

MR. SMITH PRESENTED

Bill No. 1146

Report of the Committee on Planning, Housing & Development for October 5, 1994, transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 1080

A Resolution entitled, "Resolution AUTHORIZING THE URBAN REDEVELOPMENT AUTHORITY OF PITTSBURGH TO SUBMIT AN APPLICATION FOR FINANCIAL ASSISTANCE IN THE AMOUNT OF $600,000 TO THE PENNSYLVANIA DEPARTMENT OF COMMUNITY AFFAIRS FOR THE NORTH SHORE REDEVELOPMENT AREA."

Which was read.

Also,

Bill No. 1081

A Resolution entitled, "Resolution AUTHORIZING A COOPERATION AGREEMENT WITH THE URBAN REDEVELOPMENT AUTHORITY OF PITTSBURGH FOR THE NORTH SHORE REDEVELOPMENT PROJECT AREA PROVIDING FOR THE REIMBURSEMENT BY THE CITY OF THE COMMONWEALTH FOR ANY EXPENDITURES FOUND BY THE DEPARTMENT OF COMMUNITY AFFAIRS TO BE INELIGIBLE AND OBLIGATING THE CITY TO PAY ANY LOCAL SHARE OF THE PROJECT COSTS.

Which was read.

Also,

Bill No. 1082

A Resolution entitled, "Resolution AUTHORIZING THE URBAN REDEVELOPMENT AUTHORITY OF PITTSBURGH TO ACQUIRE THAT PROPERTY IN THE 21ST WARD OF THE CITY OF PITTSBURGH OWNED BY ROBERT P. RANDALL AND DESIGNATED AS BLOCK 22J, LOT 151 IN THE DEED REGISTRY OFFICE OF ALLEGHENY COUNTY, UNDER THE INDUSTRIAL LAND RESERVE FUND FOR A PURCHASE PRICE OF $985,000.00 PLUS EXPENSES.

Which was read.

Also,

Bill No. 1083

A Resolution entitled, "Resolution AUTHORIZING THE URBAN REDEVELOPMENT AUTHORITY OF PITTSBURGH TO ACQUIRE ALL OF THE CITY'S RIGHT, TITLE AND INTEREST, IF ANY, IN AND TO THE PUBLICLY-OWNED PROPERTY IN THE 21ST WARD OF THE CITY OF PITTSBURGH DESIGNATED IN THE DEED REGISTRY OFFICE OF ALLEGHENY COUNTY, AS BLOCK 7-G, LOTS 11, 12, 13A, 13 AND 37, UNDER THE INDUSTRIAL LAND RESERVE FUND.

Which was read.

Also,

Bill No. 1118

A Resolution entitled, "Resolution amending Resolution No. 228, effective March 19, 1993, as amended by Resolution No. 366, effective April 29, 1993, and by Resolution No. 1056, effective August 24, 1993, and by Resolution No. 1219, effective November 1, 1993, entitled 'Providing for the filing of a Community Development statement by the City of Pittsburgh with the U.S. Department of Housing and Urban Development for a grant in connection with the 1993 Community Development Block Grant Program' so as to decrease line item "Youth Commission" in the Department of Parks and Recreation and increase line item "St. Mary's Church Lawrenceville Arts Program" in City Council."---**(SPONSORED BY MR. FERLO)**

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills? Councilman Smith.

Mr. Smith:

Yes. I would like to recommit Bill 1080. It is the request of a community consortium that this not pass through without some input from them. I do not think that it would be detrimental to recommit this bill and attempt to have a meeting with the community group and the URA and City of Pittsburgh.

So, I am asking for a second --

The Chair:

Your motion was to recommit Bill --

Mr. Smith:

1080.

The Chair:

The companion bill on the actual application is 1081, if you want to recommit both bills.

Mr. Smith:

Yes.

The Chair:

Motion on the floor to recommit Bill 1080 and 1081. Any other discussion? Is there a second on that?

MR. ONORATO seconded the motion.

The Chair:

All in favor?

WHICH MOTION PREVAILED.

The Chair:

Those two bills are recommitted to the Wednesday session.

Other comments?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Smith
Mr. O'Connor	Mr. Ferlo (Pres't)

AYES 8 NOES none

The bills having received the legally required number of votes are passed finally.

MR. HERTZBERG PRESENTED

Bill No. 1147

Report of the Committee on Parks and Recreation for October 5, 1994, transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 1064

A Resolution entitled, "Resolution AUTHORIZING the Director of the Department of Parks and Recreation to increase certain admission fees at the Schenley Park Ice Skating Rink, effective immediately."

Which was read.

Also,

Bill No. 1065

A Resolution entitled, "Resolution PROVIDING for a license to Duquesne Light Company for the installation, use, operation, maintenance, repair, renewal and finally, removal of two (2) anchors, together with other necessary appurtenances on certain property of the City, fronting on Fernleaf Street, situate in the 16th Ward designated as Block 13-K, Lot 314, in connection with an upgrading and realignment program.

Which was read.

Also,

Bill No. 1066

A Resolution entitled, "Resolution PROVIDING for a license to Duquesne Light Company for the installation, use, operation, maintenance, repair, renewal and finally, removal of one (1) anchor, together with other necessary appurtenances on certain property of the City, identified as West Penn Recreation Center, fronting on Brereton Street, situate in the 6th Ward designated as Block 25-R, Lot 106 in connection with the relocation of a pole due to the rebuilding of a wall on the north side of Brereton Street.

Which was read.

Also,

Bill No. 1067

A Resolution entitled, "Resolution PROVIDING for a license to Duquesne Light Company for the installation, use, operation, maintenance, repair, renewal and finally, removal of two (2) poles, and three (3) anchors, together with other necessary appurtenances on certain property of the City, identified as Schenley Park Golf Course, fronting on Forbes Avenue and Schenley Drive, situate in the 14th Ward designated as Block 27-S, Lot 150 in connection with providing electrical service to the Schenley Golf Course irrigation pump."

Which was read.

Also,

Bill No. 1085

A Resolution entitled, "Resolution AMENDING Resolution No. 1376, approved December 10, 1993, entitled: "Resolution providing for an Agreement (s) and Contract (s), with Consultant (s) and Vendor (s) for various expenses in connection with the Pittsburgh Advocacy Commission on Youth, payable from Code Account 4-10-10-1487-93-506-93-10, Index Code 611038, Youth Commission, Department of Parks and Recreation, and for payment thereof," by reducing the authorized amount by $8,333.00 from $150,000.00 to $141,667.00."—**(SPONSORED BY MR. FERLO)**

Which was read.

Also,

Bill No. 1117

A Resolution entitled, "Resolution amending Resolution No. 505, effective May 7, 1993, entitled, "Resolution providing for an Agreement or Agreements with St. Mary's Church Lawrenceville Arts Program for operational and/or administrative expenses, including purchase of equipment or materials, for the benefit of low-moderate income residents of the City of Pittsburgh, at a cost not to exceed $5,000.00' so as to increase the amount appropriated to $13,333.00."---**(SPONSORED BY MR. FERLO)**

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills? Councilman Cohen.

Mr. Cohen:

Thank you, Mr. President. On Bill 1064, I am voting "no". This is to increase admission fees at the Schenley Park Ice Skating Rink. When we asked why the increase, albeit a small increase, the answer was "because we haven't increased fees in four years." I do not think that is a good reason. I asked for the basis for that increase, what their costs have been and how those costs have increased. Those figures may well show that there needs to be an increase but we have not received them, as far as I know. I have not received them in my office. So, until we do, I am voting "no" on this bill.

The Chair:

Is it your desire to want to recommit the bill for further information or --

Mr. Cohen:

Well, I would like to receive that information, so I would not be adverse to --

The Chair:

What is the pleasure of the body?

Mr. Hertzberg:

I will move to recommit. I am the Chairman. I will move to recommit the bill.

MR. O'CONNOR seconded the motion.

The Chair:

There's a motion to recommit, it has been moved and seconded. All in favor?

WHICH MOTION PREVAILED.

The Chair:

Other discussion on other bills? Councilman O'Connor.

Mr. O'Connor:

I would just like my comments brought forward on Bill 1067, please.

The Chair:

Thank you, Mr. O'Connor. Others?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Smith
Mr. O'Connor	Mr. Ferlo (Pres't)

AYES 8 NOES none

The bills having received the legally required number of votes are passed finally.

MR. CUSICK PRESENTED

Bill No. 1148

Report of the Committee on Engineering and Construction for October 5, 1994, transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 1042

A Resolution entitled, "Resolution amending Resolution No. 196, effective April 7, 1988, entitled 'Providing for an Agreement or Agreements or Supplemental Agreement or Agreements with a Consultant or consultants for Landscape Architectural Design in connection with the Rehabilitation of Various Playgrounds; and providing for the payment of the cost thereof,' by decreasing the total project allocation by $6,055.88 from 27,500.00 to $21,444.12."

Which was read.

Also,

Bill No. 1043

A Resolution entitled, "Resolution amending Resolution #1044, effective December 29, 1989, entitled 'Providing for a Contract or Contracts, or use of existing Contracts, for Concrete Step construction or Reconstruction at various locations in Community Development areas, including but not limited to Sterling Street, Judicial Street, Baldauf Street, Hancock Street and St. Leo Street; and providing for the payment of the cost thereof,' by decreasing the total project allocation by $8,215.83 from $150,000.00 to $141,784.17."

Which was read.

Also,

Bill No. 1044

A Resolution entitled, "Resolution PROVIDING for a Contract or Contracts, or use of existing Contracts, for Rehabilitation of Service Buildings, including, but not limited to a new Forestry Building Garage; and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 1045

A Resolution entitled, "Resolution providing for a Contract or Contracts, or use of existing Contracts for Step Construction or Reconstruction at various locations within the City of Pittsburgh; and providing for the payment of the costs thereof."

Which was read.

Also,

Bill No. 1046

A Resolution entitled, "Resolution providing for a Contract or Contracts or use of existing Contracts and/or an Agreement or Agreements, or use of existing Agreements to Design and Construct Various Walls and/or Slope Remediation Projects; and providing for the payment of costs thereof."

Which was read.

Also,

Bill No. 1048

A Resolution entitled, "Resolution FURTHER amending Resolution #1455, effective January 1, 1994, as amended, entitled 'Adopting and Approving the 1994 Capital Budget and the 1994 Community Development Block Grant Program; and approving the 1994 through 1999 Capital Improvement Program,' by increasing a line item (EC 94-114) Turfed Areas and Landscape Rehabilitation by $65,800.00 from $200,000.00 to $265,800.00."

Which was read.

Also,

Bill No. 1049

A Resolution entitled, "Resolution amending Resolution No. 328, effective July 13, 1992, entitled 'Providing for an easement agreement or agreements with the School District of Pittsburgh in conjunction with construction of the new Bedford Water storage tank in the 5th Ward of the City of Pittsburgh; and providing for the payment of the costs thereof,' by eliminating the consideration of the Deed of Easement."

Which was read.

Also,

Bill No. 1050

A Resolution entitled, "Resolution amending Resolution No. 345, effective April 26, 1993, entitled 'Authorizing the Mayor and the Director of the Department of Engineering and Construction to accept an easement granting the City the right to enter upon the property of Joseph Lauterback in the 29th Ward, designated as Block 60L, Lot 250 to erect a fence and attach the same to a wall on the property of the Grantee,' by eliminating the consideration of $1.00 for the Deed of Easement."

Which was read.

Also,

Bill No. 1051

A Resolution entitled, "Resolution AMENDING Resolution No. 328, effective April 10, 1985, entitled 'Taking, Appropriating and Condemning, by the City of Pittsburgh, for public highway purposes, certain property of the Los Conquistadore, Inc., located at Block and Lot No. 23-J-180 in the 25th Ward of the City of Pittsburgh,' by repealing Section 2 of this Resolution authorizing payment."

Which was read.

Also,

Bill No. 1052

A Resolution entitled, "Resolution amending Resolution #994, effective November 20, 1984, entitled 'Taking, Appropriating and Condemning, by the City of Pittsburgh public road improvement purposes, certain property of Michael and Emile Casiglio (23-J-180), situated along Pennsylvania Avenue in the 25th Ward of the City of Pittsburgh,' by amending Section 2 of this Resolution to release the funding."

Which was read.

Also,

Bill No. 1053

A Resolution entitled, "Resolution amending Resolution #1108, effective November 12, 1981, entitled 'Taking, Appropriating and Condemning by the City of Pittsburgh, for public road easement purposes, certain property of Robert W. McCune, situated at the intersection of Grandview Avenue and Meridan Street in the Nineteenth Ward of the City of Pittsburgh,' by repealing Section 3 of said Resolution authorizing just compensation fees."

Which was read.

Also,

Bill No. 1054

A Resolution entitled, "Resolution amending Resolution #1106, effective November 12, 1981, entitled 'Taking, Appropriating and Condemning by the City of Pittsburgh, for public road easement purposes, certain property of Samuel H. Triplett, situated at the intersection of Grandview Avenue and LaBelle Street in the Nineteenth Ward of the City of Pittsburgh,' by repealing Section 3 of said Resolution authorizing just compensation fees."

Which was read.

Also,

Bill No. 1055

A Resolution entitled, "Resolution amending Resolution #1107, effective November 12, 1981, entitled 'Taking, Appropriating and Condemning by the City of Pittsburgh, for public road easement purposes, certain property of John R. Gavin, Etux., situated at the intersection of Grandview Avenue and August Street in the Nineteenth Ward of the City of Pittsburgh,' by repealing Section 3 of said Resolution authorizing just compensation fees."

Which was read.

Also,

Bill No. 1056

A Resolution entitled, "Resolution amending Resolution #1109, effective November 12, 1981, entitled 'Taking, Appropriating and Condemning by the City of Pittsburgh, for public road easement purposes, certain property of Charles W. Carman, Jr., situated at the intersection of Grandview Avenue and Olympia Street in the Nineteenth Ward of the City of Pittsburgh,' by repealing Section 3 of said Resolution authorizing just compensation fees."

Which was read.

Also,

Bill No. 1057

A Resolution entitled, "Resolution amending Resolution #1139, effective November 19, 1981, entitled 'Taking, Appropriating and Condemning by the City of Pittsburgh, for public road easement purposes, certain property of H. C. Leonard, situated at the intersection of Wyoming Street and Boggs Avenue in the Nineteenth Ward of the City of Pittsburgh,' by repealing Section 3 of said Resolution authorizing just compensation fees."

Which was read.

Also,

Bill No. 1058

A Resolution entitled, "Resolution amending Resolution #1112, effective November 12, 1981, entitled 'Taking, Appropriating and Condemning by the City of Pittsburgh, for public road easement purposes, certain property of St. Mary's , situated at the intersection of Grandview Avenue and Bingham Street in the Nineteenth Ward of the City of Pittsburgh,' by repealing Section 3 of said Resolution authorizing just compensation fees."

Which was read.

Also,

Bill No. 1059

A Resolution entitled, "Resolution amending Resolution #1111, effective November 12, 1981, entitled 'Taking, Appropriating and Condemning by the City of Pittsburgh, for public road easement purposes, certain property of St. Mary's, situated at the intersection of Grandview Avenue and Ulysses Street in the Nineteenth Ward of the City of Pittsburgh,' by repealing Section 3 of said Resolution authorizing just compensation fees."

Which was read.

Also,

Bill No. 1060

A Resolution entitled, "Resolution amending Resolution #1110, effective November 12, 1981, entitled 'Taking, Appropriating and Condemning by the City of Pittsburgh, for public road easement purposes, certain property of Leonard M. Celmo, situated at the intersection of Grandview Avenue

and Sweetbriar Street in the Nineteenth Ward of the City of Pittsburgh,' by repealing Section 3 of said Resolution authorizing just compensation fees."

Which was read.

Also,

Bill No. 1061

A Resolution entitled, "Resolution amending Resolution No. 564, effective July 20, 1987, entitled 'Taking, Appropriating and Condemning by the City of Pittsburgh for public sewer purposes certain property of Jean Helf, et., al., (4-N-1990) and Albert Helf (15-A-39) in the Nineteenth Ward of the City of Pittsburgh,' by repealing Section 2 of said Resolution authorizing payment."

Which was read.

Also,

Bill No. 1062

A Resolution entitled, "Resolution **ADOPTING OFFICIAL SEWAGE FACILITIES PLAN FOR THE SOUTHWESTERN PENNSYLVANIA VETERANS' CENTER, PLAN OF PROPERTY.**"

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills? Councilman Hertzberg.

Mr. Hertzberg:

I would ask that my comments be brought forward on Nos. 1053 to 1061.

(REMARKS -- SEE ADDENDUM)

The Chair:

Others?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Smith
Mr. O'Connor	Mr. Ferlo (Pres't)

AYES 8 NOES none

The bills having received the legally required number of votes are passed finally.

The Chair:

That concludes our Reports of Committees.

MOTIONS AND RESOLUTIONS

The Chair:

Under Motions and Resolutions, I would like to call on Councilman Hertzberg.

Mr. Hertzberg:

Thank you, Mr. President. I think you have all received a copy of this resolution and, in fact, there are several co-sponsors, Dan Cohen, Joe Cusick, Jim Ferlo, Bob O'Connor, Dan Onorato and Christopher Smith. This involves the Pittsburgh Pirates, and the negotiations for the potential sale of the Pirates have been handled exclusively by the Mayor's Office and through Mark Pollack and Bill Newlin. Friday -- I think everyone has heard. Friday was the final date for the bids on the Pirates. I think we are at the stage now with the potential of having a public ownership part of the new purchaser, where something needs to happen.

What I hope to see, and I think the co-sponsors of this resolution hope to see is, approximately 20 to 25 percent of the new ownership of the Pirates would be the public and

primarily the people of the City of Pittsburgh. Since this concept was put out on the street, so to speak, in the last week or two, I have received nothing but overwhelming support for it. Everywhere I have gone people said, I want to buy a share. I think the time is right now to put this portion of the package in with a potential purchaser. So that when we know who it is, it is all ready to go and we can have it in place with the new ownership of the Pirates.

The resolution reads:

MR. HERTZBERG PRESENTS

No. 1149 WHEREAS, we the Pittsburgh City Council recognize that the Pittsburgh Pirates are a unique and valuable asset to the City of Pittsburgh; and,

WHEREAS, the City of Pittsburgh is attempting to locate an ownership group capable of maintaining a competitive major league franchise in Pittsburgh; and,

WHEREAS, the concept of strong ties between the Pirates and the citizens of Pittsburgh would serve to strengthen the team's relationship with the City; and,

WHEREAS, the citizens of Pittsburgh have expressed their desire to have the City explore opportunities for public participation in the ownership of the Pirates.

NOW, THEREFORE, BE IT RESOLVED, that this Council strongly urges the Mayor of the City of Pittsburgh to use the resources of his office to explore all opportunities for public ownership of a minority share of the Pirates.

SPONSORED BY COUNCIL MEMBERS ALAN HERTZBERG, DAN COHEN, JOE CUSICK, JIM FERLO, BOB O'CONNOR, DAN ONORATO, AND CHRISTOPHER A. SMITH

MR. HERTZBERG moved to adopt the resolution.

MR. COHEN seconded the motion.

Which motion prevailed.

The Chair:

It has been moved and seconded. Other discussion? Mr. Onorato.

Mr. Onorato:

Yes, I would just like to say, I decided to be a co-sponsor, and I would thank Councilman Hertzberg for offering the opportunity to be on board here.

I look at this as really supporting the Mayor's view, because it is my understanding that the Mayor is very outspoken about this issue and would also like to see some type of public ownership.

As you know, with the negotiations that are going on, there are a lot of things that change through negotiations. It is my understanding that this issue is on the table and that they are asking individuals to look at it, regardless of who might be the new owner, in a minority position, of course. Public ownership is definitely on the table as an idea, and it is my understanding that it has the support of the Mayor, if it is possible.

The Chair:

Mr. Cohen.

Mr. Cohen:

Thank you, Mr. President. I want to commend Councilman Hertzberg for putting forth this proclamation; I think it is an exciting idea. It has precedence, certainly. At least the Green Bay Packers, we know about, have public stock ownership. If we actually got some public ownership of the Pirates, not the whole team, of course, but some minor part, I think a Pirate stock certificate would be framed on the wall of practically every house in the Pittsburgh area.

So, I want to support it; I think it is an excellent idea.

The Chair:

Here, here. Mr. O'Connor.

Mr. O'Connor:

Again, I think Councilman Hertzberg has done a nice job. I have been in communication with some of the people and the idea I think he has been kicking this around for at least six weeks. The nice idea, besides being framed on your wall, if you invest in the Pirates, as a lot of people said they would, I am sure they would go to the games and support them a lot more. One other thing, if that option was put in, it may help in the bidding price, where we are not held hostage to someone in a group saying, we can only afford, say, 30 million instead of 40 million, and this could be put in place where the Pirates are a more valuable team and we could get a better asking price.

So, I certainly support the initiative and I hope that the Mayor and Mr. Pollack and that pursue it in the best interest of the taxpayers of the City of Pittsburgh.

The Chair:

Thank you very much. Other comments?

All in favor of the motion? Opposed? Abstention?

WHICH MOTION PREVAILED.

The Chair:

We will communicate the resolution to Mayor Murphy.

Mr. Cusick.

Mr. Cusick:

Mr. President, this is in regard to our gentrification program, if at all we have one. I would like to ask Councilman Gene Ricciardi if he would call for a post agenda concerning the status of the City's tax payers' gentrification plan. I have heard numerous complaints with constituents, many of who are elderly or on fixed incomes, that the senior assessments go up as much as 25 percent. These are residents that have received gentrification checks from the county as early as February and have not heard a word from the City.

I would like to have the Director of Finance, Mr. Hennigan, along with the Deputy Mayor, Sal Sirabella, to come to a post agenda and explain to us where they are in regard to gentrification, how the process will work now and in the future. I also would like this Council to invite some of the senior organizations, such as AARP, down so that they can help us get the message out there. If Council would see to it that this post agenda also be televised for people that are unable to be here.

The Chair:

Well, we do not really need a motion on a post agenda, but I do not think there is any problem if the majority wants to have it televised. Obviously you want to have staff person Miranda there since it is a budget issue.

Mr. Ricciardi.

Mr. Ricciardi:

I think Mr. Cusick raises a very good point. Obviously a gentrification law was supported by this entire body, co-sponsored by several members of this body and it protects our residents, our tax payers from unfair increases in their assessments because of what occurs in the neighborhoods.

Mr. Cusick is correct; I have also received a few calls. For some reason the checks have not been cut, have not been sent by either the Administration and/or the Controller, and it is something that needs to be explored.

So, working with this body, I will call for a post agenda, and specifically I will work with Mr. Cusick on this.

The Chair:

Very good. Any other comments on this point? Any other points to bring before the body?

I would like to entertain a motion to approve the Minutes.

MR. ONORATO moved to approve the Minutes of Tuesday, October 4, 1994.

MR. HERTZBERG seconded the motion.

And on the motion of **MR. SMITH**

Council adjourned.

(MESSRS. COHEN & HERTZBERG'S COMMENTS)
(BILLS NO. 1040 & 1041 - Wednesday - 10/5/94)

Mr. Cohen:

The bill that you have in front of you is, first of all, the rule which has an underlined portion on 1B, and the other is the actual ordinance. Does everybody have the ordinance, as well?

(Deleted text.)

Mr. Cohen:

No, let me explain; it is very simple. This is the substitute bill that includes amendments that were negotiated, whatever, discussed, with myself and the Finance Chair, Mr. Onorato. So there is just this bill, that is it.

(Deleted text.)

Mr. Cohen:

Thank you very much, Mr. Chairman. Let me begin by saying that I believe that the vast majority of grants and donations allocated by City Council in the past have gone to very worthy organizations that benefit Pittsburgh residents, whether it is the Center For Victims of Violent Crime, or the Pittsburgh Blind Association or the Pittsburgh Action Against Rape and the many, many other organizations that Council has funded in the past. They are very, very worthy organizations. The vast majority of money that is used for this purpose is federal money, what is called community development block grant money. But in the past, there have been a few organizations which have slipped through the cracks. And we are all aware of the experience that happened last year with a grant given by a former colleague that actually was intended to go to a group in North Carolina. It is that experience that made me begin working on a reform of this process. Working together with Councilman Alan Hertzberg, we drafted this bill. We also talked to a number of professionals who are involved every day in allocating money, and specifically we had a long meeting with Mr. Bill Meyer, President of the United Way, who I thought had some very constructive suggestions that led to the drafting of the bill. As a result of those discussions, Mr. Hertzberg and I drafted and introduced the bill which is being amended here today.

Let me just run through a few of the provisions, and I would like to ask Mr. Hertzberg to run through the other ones.

Very briefly, it has five provisions now, it had six, now it has five major provisions.

(Deleted text.)

Mr. Cohen:

Obviously, I would have liked to have kept the independent advisory committee in. I wrote it, along with Councilman Hertzberg, and I very much appreciate Council Gene Ricciardi's support and commitment on that aspect of this bill.

I think it would have added yet another layer of accountability in the process by which Council grants funds. But the one thing you learn quickly in this Council is that if you don't have five votes, your bill isn't going to pass. And it is better in my view to end up with three-quarters of a loaf than no loaf at all.

So hopefully, although we won't be able to get it passed now, hopefully we will be able to get it passed in the future, especially when we get a ninth member of City Council.

The Chair:

On the amendments? Councilman Hertzberg.

Mr. Hertzberg:

Thank you, Mr. Chairman. I won't go into great detail, other than to say I am in complete agreement with co-sponsor Cohen, that the independent advisory commission component of this is something that both of us wanted in the bill, but it is just the reality of the legislative process here that we are dealing with in amending it and taking it out here to ensure, hopefully, the ultimate passage of as much as this as we can.

(Delted text.)

Mr. Hertzberg:

Discussion on the amendment. I just want to react to something Councilman O'Connor said on the amendments, on the fact that we are taking out this independent advisory commission.

Councilman O'Connor mentioned we could have someone from the United Way on this thing. There is nothing in the bill that says anything about the United Way. What it says is that someone experienced in the area of allocating grants to nonprofit organizations should be on this commission that would be appointed by Council President. So I guess it conceivably could be somebody affiliated with United Way, but it could be any one of a number of possible people and affiliations and backgrounds in this kind of thing. There was nothing at all that would require United Way. It would be up to Council President.

(Deleted text.)

Mr. Cohen:

Point of clarification. There is absolutely nothing in the bill that mentions the United Way. That board is to be determined by the Council President with a majority vote by Council. What I had mentioned was that we had met with Mr. Bill Meyer of the United Way and other people to get input into how to draft this legislation. He is a man of total integrity and had some very good, constructive ideas about how to do that.

By you are mixing apples and oranges. We didn't in any way say they would be on that independent advisory committee, the very committee the majority of this Council doesn't want to have in, any way, so it is a moot discussion.

(Deleted text.)

Mr. Cohen:

Mr. Chairman, I am sorry, I have to interrupt. The Council President, as usual, instead of responding to the items in the bills, is making personal attacks. I have not in any way engaged in a media frenzy. I did speak on the Ann Devlin Show when she asked me to be on. I would say 80 percent of my appearance on the show was on issues other than this one. I resent him saying that I am spawning some kind of media frenzy, especially from somebody who is the biggest media monger on this City Council.

(Deleted text.)

Mr. Cohen:

Thank you, Mr. Chairman. First of all, let me say that I resent Mr. Ferlo bringing race into this entire discussion. I really do. If I can read what the independent advisory committee said was that, "It shall be appointed by the City Council President for the purpose of reviewing the grant applications and assessing their merit." If he is going to characterize the people who would be on this committee by race, then he is saying those are the people that he would choose, because he was given the power with Council being able to approve it to appoint those people. So I resent bringing race into this. Obviously it has nothing whatsoever to do with this issue.

Mr. Ferlo is obviously a frustrated lawyer, and I am not going to cross-examine our city employees, because I think it is irrelevant to what we are doing here.

What you are doing is a terrific job. It is a job that occurs after we authorize funding to various groups; the City Controller's office, the Planning Department and the Law Department. What this bill is intended to do is to reform our process, our City Council process. That is why we didn't introduce it as an ordinance, an ordinance which would affect the entire City of Pittsburgh and all of the departments, but rather had it as a rule. It is an internal Council rule, and I believe, still believe, that Council needs to make some reforms to improve the process.

Now, Mr. Ferlo states what the substitute bill is is an exact reflection of what we have now. That is absolutely not the case. I would like to run through it briefly.

First of all, in the application process, the first section here on what is to be included in the application, some of these things are, indeed, in the application that we have now, but some of them are not. There is not a requirement in either the federal community block grant application or the local grants and donations application for a mission statement. There is no requirement for a mission statement. That should be the first requirement of any group that we give money to. It also doesn't have in there the occupations and names and residences of the board members of these groups, the number of people served by the project. That is not included in our grants application, the tax ID number is not included in our CD application. That is just an example.

The second section is public hearing. We do not now have a public hearing, and we -- we, City Council -- don't have a public hearing, we haven't since 1991, and a public hearing gives those groups a chance to address Council and also Council a chance to learn a little bit more about those groups. We don't have any standards now -- this is the third section -- we don't have any criteria for us, for City Council to determine which groups to grant money to. We use our personal standards, and in most cases they work out well. I have said that from the very beginning of introducing this bill, and I said it today. The vast majority of money goes to very, very worthy groups, but occasionally there is a problem, and this is intended to correct that problem. We don't have criteria now in our rules. What this says is we cannot grant money to organizations unless they provide services that directly benefit Pittsburgh residents. It seems obvious, but we don't have that standard. We can't provide money to groups unless they engage in activities that improve the health, safety, welfare, education or quality of life of Pittsburgh residents. We can't give money to a group unless it has a board of directors, and I know that is a controversial issue. I spoke at length with my colleague, Councilman Smith, about that one. But in my view, we should not be giving money to groups unless they have a board of directors, citizens who oversee activities of that organization. Although we ask for nonprofit status, we do not require now that all groups have nonprofit status, what is referred to in the federal law as 501(c)3 status; this requires that. So what we have now under this bill a set of standards. And the last portion of it, which Councilman Hertzberg will speak to at some length, is a recording requirement, and that is that after we allocate grants, to make sure that the departments are doing the right thing to get the money to the groups, and just as important, that the groups are spending the money in the way that they are supposed to spend the money. None of that is in our rules about allocating money to groups right now. It is our internal rules, City Council's rules. We have to take responsibility for our own actions.

Mr. Ferlo says that this bill is a, quote, "crock," and yet he also says it just reflects the same process that we have now. So I don't know which it is, either he thinks this --

(Deleted text.)

Mr. Cohen:

I just pointed out major sections that are not already in place. What I suggest -- because the great thing about this body is that it is a democratic body -- that if Mr. Ferlo thinks it is a crock, he should stand up and vote against it and have the courage to do that.

Let me just also say that all of us on this Council believe that there was a problem last year, the people on Council who were here last year, including Mr. Ferlo himself. When that particular grant to North Carolina was vetoed by the Mayor and it came back to City Council, Mr. Ferlo voted to sustain that veto, meaning he voted against that grant at the time. He said, and I quote, this was on Friday, December 31, 1993, this is Mr. Ferlo speaking, "I definitely feel that there is at least, at least, the appearance of impropriety on the part of my colleague in relation to the method by which an allocation was proposed for this group, and I am not going to participate in it." That is what Mr. Ferlo said at the time. Well, I am giving him a chance right now to not participate in that and to reform this process. For some reason he does not want to reform the process.

I suggest we get on with the vote.

(END OF REMARKS.)
Transcribed by: Helen L. Kriebel
Stenotype Reporter

(MR. HERTZBERG'S COMMENTS)
(BILLS NO. 1053 through 1061 - Wednesday, 10/5/94)

Mr. Hertzberg:

Discussion. I see this involves the 19th Ward, Mt. Washington, Duquesne Heights, Grandview Avenue areas. I want to be sure what is going on. I did receive some information that these are 1991, some forms of condemnation that apparently never took place. Please elaborate.

Mr. Reginella:

The date I believe is 1981. My understanding, as best as I have been able to put together, was there was a project planned for Grandview Avenue at one time, some improvements of some type, and that project never materialized. Unfortunately, the legislation was in place for the acquisition of right-of-way. We are repealing it because it is no longer needed. That is all I know about the subject matter.

Mr. Hertzberg:

The funds that are being repealed, they have been sitting in some account somewhere?

Mr. Reginella:

That is correct.

Mr. Hertzberg:

It is?

Mr. Reginella:

The resolution per se still stands. What we are repealing is a particular section of the resolution by which the funding was stipulated mostly for $2,000.00 per piece of property, due to the fact, technically speaking, that the statue of limitations has run out on this appropriation.

Mr. Hertzberg:

Are there funds encumbered that this is freeing up, is that what we are doing here?

Ms. Lorince:

The purpose of all these items under discussion, as well as the one you are holding next week, is just to manage our capital cash a little better. These funds are restricted and cannot be used for other projects, such as playgrounds. So we are doing a little bit of house cleaning here.

(END OF REMARKS.)
Transcribed by: Helen L. Kriebel
Stenotype Reporter

The Chair: All in favor indicate by saying "aye".

WHICH MOTION PREVAILED.

BILL NO. 1062 Resolution adopting Official Sewage Facilities Plan for the Southwestern Pennsylvania Veterans' Center, Plan of property, located on Highland Drive at Leech Farm Road in the 12th Ward of the City of Pittsburgh.

WHICH WAS READ.

Mr. Cusick: Move for approval.

Mr. Ferlo: Second.

The Chair: All in favor?

WHICH MOTION PREVAILED.

The Chair: That completes our regular order of business. Under Pennsylvania Act 20, anybody who would like to address City Council for three minutes or less has an opportunity to do so.

We have one person. Please state your name and address.

Ms. Nixon: Pauline Nixon
112 Washington Place
Pittsburgh, PA 15219

Listening to Council's discussions this morning, several areas I wanted to touch on and general comments.

Mr. Cohen's bill, Mr. Hertzberg's bill, basically I think you are talking about, among other things, the need for accountability, which I think is a lot of people's concerns nationally, locally and otherwise.

Relative to Pittsburgh, and getting very local here, obviously in Downtown Pittsburgh I have noticed a lack of enforcement in some areas on weekends primarily having to do with parking. There have been discussions about businesses in Downtown Pittsburgh having complaints about people sort of being driven to shopping centers outside the city. And now residing Downtown, I am seeing there is an obvious lack of enforcement in parking regulations over the weekends.

(BEGINNING - MR. O'CONNOR'S COMMENTS ON BILL NO. 1067, WEDNESDAY, OCTOBER 5, 1994)

BILL NO. 1067

Resolution providing for a license to Duquesne Light Company for the installation, use, operation, maintenance, repair, renewal and finally, removal of 2 poles, and three (3) anchors, together with other necessary appurtenances on certain property of the City, identified as Schenley Park Golf Course, fronting on Forbes Avenue and Schenley Drive, situate in the 14th Ward designated as Block 27-S, Lot 150 in connection with providing electrical service to the Schenley Golf Course irrigation pump.

Which was read.

Mr. Hertzberg:

Motion to approve.

Mr. Ferlo:

Second.

Mr. O'Connor:

Discussion.

The Chair:

Discussion. Councilman O'Connor.

Mr. O'Connor:

In reading this, I know there was a pole put up, kind of an emergency pole, because of the sprinkler system needed to be put in. Is that what this was for?

Mr. Jones:

Yes, that is what this is for.

Mr. O'Connor:

Now, it also says this is going to come out, from reading the last -- "finally, removal of 2 poles". Read the second and third line.

Mr. Jones:

Yes, that is -- from what I understand, it is just standard language that is put into all of our license legislation, so that it also gives them permission to at some point in time take it out if necessary.

Mr. O'Connor:

I have had some problems with it, but I can understand why it was put up, because of an emergency, to get the sprinkler system working. And we have not had a -- I am on the committee there and we have not had a meeting, but I would like to state, for the record, that hopefully this is a -- that they are looking for other alternatives, whether it be underground wiring -- well, approving this -- and it is already done. It has already been put up, but it was an emergency -- they would look -- and I am on the committee. That we request looking at other alternatives. So, that is not a permanent.

And I understand Duquesne Light I think donated the poles to get it done fast.

The Chair:

All in favor? Opposed? The ayes have it.

Which motion prevailed.

(END OF COMMENTS)
PREPARED BY: CHERYL L. WILDS
STENOTYPE REPORTER

MUNICIPAL RECORD

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Municipal Record

ONE-HUNDRED TWENTY-EIGHTH COUNCIL

JIM FERLO.....President
LINDA M. JOHNSON-WASLER.....City Clerk
KURT J. SALAC.....Asst. City Clerk

Pittsburgh, PA
Tuesday, October 18, 1994

PRESENT:

Mr. Cohen	**Mr. Onorato**
Mr. Cusick	**Mr. Ricciardi**
Mr. Hertzberg	**Mr. Smith**
Mr. O'Connor	**Mr. Ferlo (Pres't)**

The Chair:

Good morning, everyone. City Council's Legislative Session will now come to order.

Would you all please rise for the Pledge of Allegiance and would you please remain standing for a moment of silent prayer so that we may have peace throughout the world.

We are very honored and pleased to have three young men here today. We are going to ask them to come forward. John Mascio, Danny Mascio and Dino Mascio. John is a "We Below" scout, 4th Grade at St. Therese's, with his brother Danny, who is a 2nd Grader, and Dino is a Kindergarten student, and obviously they are the three proud sons of John and Nina Mascio. John works here in our Budget Office, and they are from Lincoln Place. So, that means they are from Councilman O'Connor's District.

We are very pleased that we will lead us in the Pledge of Allegiance.

John, Danny & Dino Mascio:

I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with Liberty and Justice for all.

The Chair:

Thank you very much. You did a great job. John and Nina should be proud of you. We would like you all to have a copy of the City flag and the flag of our nation, and you look really sharp in those uniforms there.

We have a number of guests in the audience today, and at this time I would like to call on Councilman Cohen and Councilman O'Connor.

Mr. Cohen:

Thank you, Mr. President.

Would the good folks from Project Bundle-Up please come up here.

Members of Council, members of the audience, I am very proud to co-sponsor this resolution with Councilman Bob O'Connor for Project Bundle-Up.

I am sure that many of you are familiar with Project Bundle-Up; it reflects the spirit of giving that is so much a part of the City of Pittsburgh, and I am very honored to read it as follows:

PRESENTATIONS

MESSRS. COHEN AND O'CONNOR PRESENT

No. 1150 WHEREAS, Project Bundle-Up is a joint community service effort of the Salvation Army, WTAE-TV and WTAE Radio that has provided warm winter coats and outerwear to more than 52,000 children and senior citizens throughout Western Pennsylvania since 1986; and,

WHEREAS, each fall season, Project Bundle-Up sponsors Personal Shopping Day, a day when volunteers take children between the ages of 4 and 10 to various stores, to shop for hats, coats, scarves and mittens and provide these children with breakfast, entertainment and a goodie bag; and,

WHEREAS, on Saturday, October 22, 1994, at 7:15 a.m., Project Bundle-Up will pair more than 1,000 volunteers with needy children to participate in this fall's Personal Shopping Day at various retail stores throughout the City of Pittsburgh, Allegheny County and Western Pennsylvania; and,

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh commends Project Bundle-Up for their important contribution and congratulates them on their lasting success in providing much needed comfort and warmth throughout the winter to children and senior citizens in the City of Pittsburgh and surrounding area; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh declares Saturday, October 22, 1994, to be Project Bundle-Up Day in the City of Pittsburgh.

SPONSORED BY COUNCILMEN DAN COHEN AND BOB O'CONNOR

MR. COHEN moved to adopt the resolution.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

Mr. Cohen:

Thank you very much. As I said, there are more than a thousand volunteers that participate in this event. It is just, just a wonderful, wonderful program for needy children and needy Senior Citizens, and I cannot commend you all enough for doing what you do.

Let me just introduce the people who are here and then bring a couple up for a few remarks.

Miriam May, of course, who is the Director of Project Bundle-Up; Kutara Best, Assistant; Brenda Abretske, Carol Hill, Virginia Knor, Major Charles Kelly back there from the Salvation Army, and Wendy Reed. Thank you all for being here today, and let me present this proclamation to Miriam May and thank her so much for all that she does. Congratulations, Miriam.

Ms. May:

Thank you.

Mr. O'Connor:

Come on up and say a few words.

Ms. May:

I want to thank you all for declaring again the day for Project Bundle-Up Day. A lot of you shop with us and will be shopping with us again this Saturday. Thanks for being a part of it, because of your help we will clothe 5,000 children across Western Pennsylvania this year. Thanks again.

The Chair:

Thank you.

Mr. Cohen:

That is what I call "short remarks". Thank you.

Major Charles Kelly, please. The Salvation Army does so much as a part of this as well.

Major Kelly:

Thank you, Dan.

Mr. Cohen:

Thank you.

Major Kelly:

Miriam and I are pleased to be part of Project Bundle-Up on behalf of the Salvation Army.

When I think if Project Bundle-Up, I guess I recall a time as a young man, when I had the occasion to attend a sports banquet in the City of Erie where I grew up, and the speaker was introduced and someone indicated to him that he was a "man with a heart as big as all outdoors," and that was the introduction. It was reflected in his community involvement and his service in that way.

The City of Pittsburgh and its heart is really revealed when it comes to the idea of Project Bundle-Up, because when the winter weather comes and the outdoors turn quite unfriendly, the hearts of Pittsburghers really open up. It is a program that people have been able to identify with throughout the whole City of Pittsburgh, and we are pleased that the City Council and the City recognize it and make the proclamation for this day.

I do not know if I can say -- probably it sort of characterized and crystallized to me this morning when I listened to Dan reading the proclamation. I do not know many proclamations that have the words "goodie bags" in them. I do not know how often that happens, but it sort of speaks of something that kind of reflects the way people react.

When I go to the Bundle-Up Shopping Days, I see Chief Executive Officers of major corporations in the City of Pittsburgh and I see men and women who work in everything from driving buses to plugging away in the mills, taking a small child with them and taking the opportunity to shop with them, opening up their heart and giving of their time, and that is really why Project Bundle-Up has been a success because the City of Pittsburgh, not only officially but its people have really got behind Bundle-Up.

So, we say, thank you, for having a "heart as big as all outdoors".

The Chair:

Great. Thank you, sir.

Mr. Cohen:

Councilman Bob O'Connor has been involved with Project Bundle-Up for years, please say a few words.

Mr. O'Connor:

Thank you, Dan. I have been involved with Bundle-Up probably since the beginning with the telethons and everything, and I think the real rewarding personal satisfaction is when you go and see the kids receive the coats and the hats and the gloves -- and I do not think I can say this as well as the Major did -- but it is a great, great job this City does and Channel 4 and Salvation Army. I just want to congratulate everybody.

I know all our Councilmembers will be there Saturday morning, right, bright and early, 7 o'clock, guys? I did not see everybody's head shake. I know last year we were all there, and I know what a great project it is, and just congratulations and thank the City for all they do.

The Chair:

Mr. Onorato.

Mr. Onorato:

This will be my third Saturday getting up very early, and I can tell you, every Saturday that I do it, I sort of groan, rolling out of bed, but once you see the children's faces walking around the store, it is well worth it, and it sort of lifts you up for the entire day. Every time that I leave the store to go home, it is unbelievable the feeling and it is worth getting out of bed and getting there, because you cannot explain it, you have to see these kids' faces to believe it.

I really want to thank all of you for pulling this together. I mean I only shop for one day and help a child go around, you organize this all year and I appreciate your efforts.

The Chair:

Thank you very much. Councilman Hertzberg.

Mr. Hertzberg:

Mr. President, I would like to comment, too. On the other end of this was the auction that they have, the telephone-in auction over at WTAE, which I had the opportunity to participate in, which was also an enjoyable event and very well coordinated, and you could see the amount of preparation that went into the auction itself, and this is the other end of it. Now, you take the benefits that were had through that auction and now spend it on the kids.

I just want to congratulate everyone. As Councilman Onorato said, you are working on this thing year around and it is a great program. Thank you.

The Chair:

Very good. Thank you all for your hard work.

Councilman Onorato, I believe you have a guest here this morning.

Mr. Onorato:

Mick Cooper, would you come forward, please. Mick is with the Friends of the Riverfront. He is passing out some information for this weekend. Here you go, Mick.

The Chair:

Hi, Mick, how are you doing?

Mr. Onorato:

Colleagues,

MR. ONORATO PRESENTS

No. 1151 WHEREAS, the three rivers of Pittsburgh are our greatest natural resource and deserve to be developed in a fashion to maximize those resources for the benefit of the City of Pittsburgh; and,

WHEREAS, the Friends of the Riverfront has for three years promoted the benefits of Pittsburgh's riverfront, involving not only Pittsburghers but people from around the region in the process of transforming our riverfronts into an exciting new urban "main street"; and,

WHEREAS, the Friends of the Riverfront has tirelessly organized volunteer clean-ups to eliminate blight and neglect of our riverfront while bringing to people's attention the opportunities for transforming the riverfronts to increase public access; and,

WHEREAS, the Three Rivers Heritage Trail, a twelve mile walking, jogging and biking trail, from Washington's Landing on the Allegheny River to the Glenwood Bridge in the Hays section of Pittsburgh, will bring new activity and excitement to Pittsburgh's urban core; and,

WHEREAS, the Friends of the Riverfront has been an instrumental partner to the City of Pittsburgh and the Urban Redevelopment Authority in the design and development of the first section of the new Three Rivers Heritage Trail from the Fort Wayne Railroad Bridge to the Sixteenth Street Bridge on the North Side; and,

WHEREAS, the new North Shore segment of the Three Rivers Heritage Trail will create a new recreational amenity for the North Side and especially the businesses along River Avenue.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby declare October 22, 1994 "North Shore River Day" in the City of Pittsburgh in honor of the official opening of the North Shore Segment of the Three Rivers Heritage Trail.

BE IT FURTHER RESOLVED, that the Council thanks and commends the Friends of the Riverfront for their untiring efforts in transforming the City's riverfronts and involving the communities and residents of the North Side in the vital effort.

MR. ONORATO moved to adopt the resolution.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

Mr. Onorato:

Before I turn this over to Mick Cooper, I just want to invite everyone to come over and see the new trail, what has happened over there in the last several months is unbelievable. It is probably the prettiest park in the City at this point, with the river on the one side and the treeline trail, for jogging, walking, biking, whatever you like to do. Come over and see it, because it is going to be expanded all around the City in a big circle.

I just want to thank the Mayor, too, who, while running for office, campaigned on developing the trails of the riverfront and we actually see it happening already during his first year in office. That also goes to the Friends of the Riverfront, who have been the sleepless advocates for this project, and I am glad to see it moving at this point.

So, at this time, Mick, if you would like to tell everybody what is going on.

Mr. Cooper:

Thank you, Dan, Councilman Onorato, and other Councilmen. A special thanks on behalf of the Board of Directors of the Friends of the Riverfront to the Mayor and all the individuals that have worked diligently over the last two years to make this happen. It is certainly an important proclamation, an important step forward, your continued support is most vital in this.

Today I have handed out a map that I had carried in front of the public in the area, that is titled "Pittsburgh to Washington Trail System". I think it is appropriate to view this first quarter mile as a first step in a 133 mile dream of linking the City of Pittsburgh into the National Trail System at Cumberland, Maryland.

The history of Pittsburgh has always been one of leadership in the national scene, and certainly your dedication and investment and time and effort has made this first quarter mile essential to this link. You will notice that it passes through McKeesport and the entire region, into Maryland and beyond. It is also projected to go north from here to Erie and beyond, once again, in a gateway fashion, to the cities west of this region, to Ohio and beyond.

So, your dedication and your involvement in this project makes this sort of national scope happen, and we really are at the beginning of that this coming Saturday, October the 22nd, beginning at 8:30 in the morning in a riverfront redevelopment success story of a church there by the Heinz Plant, we intend to cut the ribbon at approximately 9 o'clock, a little bit later than some of the other function, but certainly we want to invite everyone out. Staff has a detailed agenda and background information on the Friends of the Riverfront.

Once again, I can only stress to you as leaders of the community at the grass roots level, the universal response of this national vision is one that is commendable for you and the community and essential to our position of leadership in the country and the history of the nation. Thank you.

Mr. Onorato:

Thank you.

The Chair:

Thank you and good luck on Saturday.

We have three resolutions/proclamations to be read into the record. I would ask the Clerk to please accept a proclamation from Councilman O'Connor, Councilman Hertzberg, and Councilman Ricciardi has a couple, maybe we can do them together to expedite time here. Thank you all.

MR. O'CONNOR PRESENTS

No. 1152 WHEREAS, after more than three decades of involvement with the administration of St. Francis and of commitment to the physical well being of the residents of Greater Pittsburgh, Sister M. Sylvia Schuler has announced her retirement; and,

WHEREAS, sister Sylvia, born in the Arlington Heights section of Pittsburgh, joined the staff at St. Francis General Hospital in 1959 and was instrumental in the restructuring which resulted in 1984 in the St. Francis Health System, which now includes, among other divisions, three hospitals, two skilled nursing facilities, and numerous satellite sites; and,

WHEREAS, during Sister Sylvia's tenure many vital new services were developed, including a unit for chemically dependent adolescents, a program for pregnant addicted women, a laser center, and home health center; and,

WHEREAS, Sister Sylvia fostered the development of the Center for Emergency Medicine, an emergency air and ground transport system, and oversaw a major expansion project, which included a psychiatric facility and senior citizens high rise, on the Pittsburgh campus; and,

WHEREAS, Sister Sylvia's leadership ability and communal enthusiasm were invaluable assets in many and diverse organizations, including the Bloomfield-Garfield corporation, the Sisters of St. Francis of Millvale, American Academy of Medical Administrators, the Pittsburgh Chapter of Legatus, and the Governor's Committee on Employment of the Handicapped.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh commends Sister M. Sylvia Schuler for her distinguished career with St. Francis Health system, for her tireless efforts to improving the well being of the residents of the Greater Pittsburgh area, and for her leadership in community programs; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh hereby declares Friday, October 21, 1994, as "SISTER M. SYLVIA SCHULER DAY" in the City of Pittsburgh.

MR. O'CONNOR moved to adopt the resolution.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

MESSRS. ALAN HERTZBERG AND DAN COHEN PRESENT

No. 1153 WHEREAS, Dr. Trevor Hancock, the "Father of the International Healthy Cities Movement," will kick off the Healthy Pittsburgh/Allegheny County neighborhood visioning sessions on Friday, October 21, 1994 at 7:30 P.M., for the neighborhood of Esplen, Sheraden, Chartiers and Windgap, at the St. Vincent Church Building, 700 Tabor Street, Esplen; and,

WHEREAS, Dr. Trevor Hancock is an internationally renowned public health consultant and physician from the World Health Organization. He has facilitated Healthy Cities visioning all over the world and is Chairman of the Health Cities project; and,

WHEREAS, the Healthy Pittsburgh/Allegheny County initiative is based on a World Health Organization model of community participation; and,

WHEREAS, Health Pittsburgh/Allegheny County is a collaboration between neighborhood people, Allegheny General Hospital, the University of Pittsburgh Graduate School of Public Health, Just Harvest, the Pittsburgh Mediation Center, the Health Education Center of blue Cross, the Allegheny County Health Department, the Penn State Cooperation Extension, Magee Women's Hospital, CONSAD Research Corporation, and the Heinz School of Public Affairs.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh wholeheartedly supports Healthy Pittsburgh/Allegheny County initiative and its goals, and hereby declares October 21, 1994 to be Healthy Cities Day in Pittsburgh/Allegheny County.

SPONSORED BY COUNCILMEN ALAN HERTZBERG AND DAN COHEN

MR. HERTZBERG moved to adopt the resolution.

MR. COHEN seconded the motion.

Which motion prevailed.

MR. RICCIARDI PRESENTS

No. 1154 WHEREAS, Typecraft Press, Inc., founded in 1938 by John Major, Sr., in his Allentown home, and moved into its South Side location, in 1987, is being honored by the South Side Chamber of Commerce for community service contributions performed by both its owners and management and by its employees through the company's Social Committee; and,

WHEREAS, Typecraft Press, Inc., made donations of approximately $12,000 last year to local and city-wide charities, including the YMCA, Junior Achievement, the Greater Pittsburgh Guild for the Blind, Light of Life Mission, Salvation Army and the Burning Bush; and,

WHEREAS, Typecraft Press, Inc., contributed another $30,000-$40,000 in printing to non-profit and religious organizations including St. Paul's Retreat House, the South Side Local Development Company and Summer Street Spectacular and the Cancer Support Group; and,

WHEREAS, Typecraft Press' volunteer committee members Bernie Klein, Janice Goliwas, Denise Snell, Kathryn DeSimone, Maria McGill, and Edward Cerminara, in four months of 1992, raised $2,446 for the Brashear Association, while the following year the figure was increased to $6,727.50 including matching funds from the company; and,

WHEREAS, Typecraft Press, Inc., provided the Brashear Association with funds for Tag Day, food certificates and toys at Christmas, and donations for the food pantry and baby fund.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh hereby congratulates Typecraft Press, Inc., on receiving the South Side Chamber of Commerce "Community Service Award"; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh declares Saturday, October 15, 1994, as TYPECRAFT PRESS, INC., DAY in the City of Pittsburgh.

MR. RICCIARDI moved to adopt the resolution.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

MR. RICCIARDI PRESENTS

No. 1155 WHEREAS, for the first time in the 28 year history of the Chambers Awards Banquet, a staff person was voted by South Side Chamber of Commerce the "1994 Person of the Year" for being outstanding in fostering and promoting the goals, growth and activity of the Chamber; and,

WHEREAS, Lynda Walsack, for the past three years, has been committed to the daily operations and duties of running the office as Office manager of the South Side Chamber of Commerce and volunteering to promote the Chamber through heavy phone campaigns and mass mailings; and,

WHEREAS, Lynda Walsack, a nativee South Sider, assumes responsibilities that assist Chamber Board of Directors, chamber Committees and the Chamber Membership; and,

WHEREAS, Lynda Walsack recruited 41 new Chamber members in three years, winning the Chambers 1993 "Membership Drive Award," and through Chamber's involvement with "Daffodil Days" raised money for the American Cancer Society, and broke South Side's record the first year by recruiting 65 units for the South Side summer Street Spectacular Parade; and,

WHEREAS, Lynda Walsack has proven valuable in assisting new business locating to the South Side, provides daily visitor information and referral service to the public, and performs services for the most successful Business Block Watch in the City; and,

WHEREAS, Lynda Walsack, also known as the "singing secretary," has volunteered her talents to perform at local community activities, including "Light-Up Night," the dedication of Birmingham Plaza, the closing of Sarah's Restaurant, dinners and luncheons, and is also scheduled to sing for a Pre-Election Democratic Victory Brunch on October 2nd at the Sheraton Hotel, Station Square.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh hereby congratulates Lynda Walsack on being the South Side Chamber of Commerce "Person of the Year"; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh hereby declares Saturday, October 15, 1994 as LYNDA WALSAK DAY in the City of Pittsburgh.

MR. RICCIARDI moved to adopt the resolution.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

The Chair:

Moving to the Presentation of Papers. At this time, Councilman Cohen, Committee on Public Safety.

MR. COHEN PRESENTED

No. 1156 Resolution providing for the issuance of a warrant in favor of St. Margaret's Hospital, Division of Occupational Health, in the amount of $1,192.00 in payment for Hazmat/River Rescue physical examinations conducted on all specialty team members, chargeable to Code Account 1421, Miscellaneous Services, Bureau of Emergency Medical Services, Department of Public Safety.

Which was read and referred to the Committee on Finance.

MR. COHEN moved to suspend Rule 8 by providing for consideration of the bill only until or after the 8th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

MR. CUSICK PRESENTED

No. 1157 An Ordinance amending the Pittsburgh Code, Title Nine, Zoning District Map No. 8, by changing from "S" Special District to "M2" Limited Industrial District certain property having frontage on the westerly side of Peola Road and identified as 2155 Peola Road, 62-C-90 in the Allegheny County Block & Lot System, 19th Ward.(COUNCIL DISTRICT NO. 4)---**(SPONSORED BY MR. CUSICK)**

Which was read and referred to the Committee on Planning, Housing & Development.

MR. CUSICK moved to suspend Rule 8 by providing for consideration of the bill only until or after the 8th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

MR. SMITH seconded the motion.

The Chair:

It has been moved and seconded. This is a rezoning question that has to go to the Planning Commission for a report and recommendation.

Which motion prevailed.

Also,

No. 1158 Resolution providing for the issuance of a warrant in favor of CSX Transportation in the amount of $592.95 in payment of railroad flagging services required for the inspection of the Herron Avenue and Elizabeth St. Bridges, charging the same to Code Account EC94-57.

Which was read and referred to the Committee on Finance.

Also,

No. 1159 Resolution providing for an Easement and/or Right-of-Entry Agreement with the Port Authority of Allegheny County and/or the Pennsylvania Department of Transportation to construct and maintain the foundation of the new Airport Busway/H.O.V. Bridge on the Monongahela Wharf.

Which was read and referred the Committee on Engineering and Construction.

MR. HERTZBERG PRESENTED

No. 1160 Resolution amending Res. No. 228, effective March 19, 1993, as amended by Res. No. 366, effective April 29, 1993, and by Res. No. 1056, effective August 24, 1993, and by Res. No. 1219, effective November 1, 1993, and by Bill No. 1118 approved by Council on October 11, 1994, entitled "Providing for the filing of a Community Development statement by the City of Pittsburgh with the U.S. Department of housing and Urban Development for a grant in connection with the 1993 Community Development Block Grant Program" so as to decrease line item "Youth Commission" in the Dept. of Parks Recreation and add line item "Sheraden Youth Center" in City Council.---**(SPONSORED BY ALAN HERTZBERG)**

Which was read and referred to the Committee on Planning, Housing & Development.

Also,

No. 1161 Resolution amending Resolution No. 1376, approved December 10, 1993, as amended by Bill No. 1085 approved by Council on October 11, 1994, entitled: "Resolution providing for an Agreement(s) and Contract(s), with Consultant(s) and Vendor(s) for various expenses in connection with the Pittsburgh Advocacy Commission on Youth, payable from Code Account 4-10-10-1487-93-506-93-10, Index Code 611038, Youth Commission, Department of Parks and Recreation, and for payment thereof," by reducing the authorized amount by $8,333.00 from $141,667.00 to $133,334.00.---**(SPONSORED BY ALAN HERTZBERG)**

Also,

No. 1162 Resolution providing for an Agreement or Agreements with the Sheraden Youth Center for operational and/or administrative expenses, including purchase of equipment or materials, for the benefit of low-moderate income residents of the City of Pittsburgh, at a cost not to exceed $8,333.00.---**(SPONSORED BY ALAN HERTZBERG)**

Which were read and referred to the Committee on Parks & Recreation.

MR. HERTZBERG moved to suspend Rule 8 by providing for consideration of the bills only until or after the 8th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

MR. SMITH seconded the motion.

Which motion prevailed.

MR. ONORATO PRESENTED

No. 1163 Resolution authorizing and directing the Departments of City Planning, Bureau of Building Inspection and Law to develop a map, a list of reported complaints, and legal action in relation to Section 8 properties in the City of Pittsburgh.---**(SPONSORED BY MR. ONORATO)**

MR. ONORATO moved to suspend Rule 8 by providing for consideration of the bill only until or after the 8th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

MR. CUSICK seconded the motion.

Which motion prevailed.

Also,

No. 1164 Resolution providing for an agreement with the Pennsylvania Economy League for the purpose of providing services to the City related to forecasting revenues. Cost not to exceed $25,000.00.

Which were read and referred to the Committee on Finance.

MR. RICCIARDI PRESENTED

No. 1165 Resolution providing for the issuance of a warrant in favor of Pennsylvania Alloy Machining Company, Inc., in the amount of $1,108.00, for the emergency purchase of cold rolled steel shafts in connection with repairs of Clarifier #3 at the Treatment Plant, chargeable to and payable from C.A. 1974, Repairs, Purification & Pumping Division, Department of Water.

Also,

No. 1166 Resolution providing for the issuance of a warrant in favor of Perkin Elmer, 761 Main Avenue, Norfolk, CT 06859, in the amount of $3,950.00, in connection with repairs to the Atomic Absorption Spectrophotometer at the Treatment Plant chargeable to and payable from Code Account 1974, Repairs, Purification & Pumping Division, Department of Water.

Also,

No. 1167 Resolution providing for the transfer of the sum of $23,709.06 from Code Account 1986, Materials, Department of Water to ARTF, Asphalt Reimbursement Trust Fund, Department of Public Works.

Also,

No. 1168 Resolution providing for the transfer of funds totaling $123,000.00 from Code Account 1922, Miscellaneous Services, Department of Water, to Code Account 51, Postage, Department of Finance.

Also,

No. 1169 Resolution transferring the amount of $1,397.03 from Code Account 10 Accounts Payable Prior Years, to Code Account 1103, Miscellaneous Services, Department of City Planning.—**(SPONSORED BY GENE RICCIARDI)**

Which were severally read and referred to the Committee on Finance.

MR. SMITH PRESENTED

No. 1170 An Ordinance amending the Pittsburgh Code, Title Nine, Zoning, by extending the six-month period to one year for invalidation of conditional use, special exception and variance authorizations and by extending the one-year period to two years for Council and Board of Adjustment renewal of said authorizations. (ALL COUNCIL DISTRICTS)—**(SPONSORED BY MR. SMITH)**

Also.

No. 1171 Resolution authorizing a Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh providing for the designation of URA as the City's agent for acquisition of certain property owned by CSX Transportation, Inc., and providing for the payment of the costs thereof. cost not to exceed $165,000.

Also,

No. 1172 Resolution approving a conditional use under Section 993.01(a)A(9) of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993, as amended, to Carnegie Mellon University for authorization to construct a four-story-and-basement research building known as George A. Roberts Hall with laboratories, offices, and multi-purpose conference room to be located between Hamerschlag Hall and Boundary Street on the campus of Carnegie Mellon University at 5000 Forbes Avenue on property zoned "I-C" Institutional-Civic District, 14th Ward. (COUNCIL DISTRICT NO. 8)

Which were severally read and referred to the Committee on Planning, Housing & Development.

UNFINISHED BUSINESS

The Chair:

Under Unfinished Business or Reports of Special Committees, a couple weeks ago I asked that a committee be formed to look at the issue of the asphalt plant, the Downtown parking garages, the tow pound and the issue of the under-utilization of the skating rink. There may be other issues that Councilmembers would like to look at. I kind of refer to this committee as a GAO Committee, the Government Alternative Operations Committee.

The first meeting will be tomorrow, the 18th at 3 p.m., in the conference room. Mr. Onorato, Finance Chair, will chair this meeting. Representatives from the Budget Office and the Mayor's Offices will be in attendance, along with the City Controller's Office. If individual Councilmembers themselves, or if you would like to designate an individual from the private sector to sit on this committee, if you would please let us know or inform them of this committee and/or call myself, or Mr. Keller from the Budget Office will help facilitate the work of the committee.

We want to get started because some of the issues may have a direct impact on the year end 1995 budget process. So, we want to meet. So, we are meeting tomorrow the 18th at 3:00, and if you have individuals who would like to serve on this committee, please contact me or, more appropriately, let Mr. Keller know directly.

Mr. Ricciardi.

Mr. Ricciardi:

Mr. President, on this note, I just would like to say, I think the committee is a very good idea, especially when we address the under-utilization of our ice skating rink.

For example, everyone recalls the South Side Ice Skating Rink was closed for that reason.

There was a subsidy of $6.35 per skater. Now, once we worked with a private vendor, there are long lines waiting to get into that ice skating rink, and obviously the City of Pittsburgh is collecting rent and we are collecting other payments from them and the ice skating rink is open again.

So, I would hope this committee, and I would like to serve on this committee, could also look at that example and how we succeeded on the South Side and hopefully maybe put some of that energy into the Schenley Park Ice Skating Rink.

The Chair:

Very good. That is one of the issues, hopefully, this committee will begin to look at. As you point out, we have a good example where we can actually evaluate a successful operation.

Mr. Cohen.

Mr. Cohen:

Mr. President, if you are finished with that committee, I just want to give a brief update on the Cable Advisory Committee.

The Chair:

Please.

Mr. Cohen:

This Thursday at 6:30 there will be, as you scheduled it, there will be an evidentiary hearing with TCI. This is all part of the regulatory process against TCI. It will really be our only opportunity to question TCI officials about the documents that they filed with us, about their rates, about their quality of service. I would like to invite the public. The public is invited to come and comment as well.

As I said, the regulatory process began, I think, last September and TCI came in with lower rates, they have now come in with another rate filing. This will be an opportunity to question them on both.

Our hands are tied somewhat because of the Federal Government, the Federal Communications Commission, but there is some leeway to be able to force TCI to increase their quality of service, to give relief to the rate payers and hopefully also to reduce that nagging late fee, which is such a serious problem.

So, I just wanted to announce that at 6:30 on Thursday we will have that public hearing.

Also, we invited all members of Council and the Cable Advisory Committee to a meeting on Wednesday evening at 5:30 to prepare for the Thursday meeting. So, I hope that other Councilmembers can attend.

I do not know whether we need a motion to make sure that hearing is televised, Mr. President. If so, I would be happy to make that motion.

The Chair:

It is fine. We were going to televise it. There is no objection to televising the public hearing on TCI?

Mr. Cohen:

Great. I hope everybody can attend. Thank you.

The Chair:

I would like to thank Councilman Cohen for taking the leadership here and helping us, shepherd us through this process with the TCI hearing. He is helping to coordinate a pre-meeting so that we can be clear on what all our line of questioning will be.

As you know, we still have our consultant Mr. Wormser, as well as Ashley Schannauer from the Law Department, as well as Attorney Miskovich, Director of General Services, all three, together with Mr. Cohen, with this process will help to delineate all this series of questions that need to be put out on the table in preparation for the public hearing, and that will happen at the public hearing. In addition, we will still have time for individual residents. So, if anybody in the public listening would like to speak on the TCI rates under review currently by this Council, you can contact the City Clerk's Office at 255-2138 and register for the public hearing. Thank you very much.

Any other comments on any other matter regarding old business or special committees? If not, we will move to Reports of Committees.

REPORTS OF COMMITTEES

The Chair:

Committee on Finance, Mr. Onorato.

Mr. Onorato:

Mr. President.

The Chair:

Thank you, Mr. Onorato.

MR. ONORATO PRESENTED

Bill No. 1173

Report of the Committee on Finance for October 12, 1994, transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 1106

A Resolution entitled, "A Resolution PROVIDING for transfer of funds in the aggregate amount of Four Million Five Hundred Nine Thousand Dollars ($4,509.000)."

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

I voted "no" in the Committee Session on Bill 1106, regarding the transfer of the 4,509,000. My objection, which I did not really speak Wednesday, I am just concerned about three of the Code Accounts, being the Police Relief, Firemens' Relief and Municipal Pension Fund, totaling over a million dollars, as portion of that four million five. I am still not satisfied as to the explanation from the Administration, and that is why I voted "no", and I will vote "no" again today.

Other comments? Councilman Onorato.

Mr. Onorato:

Just on that issue, since you brought it up, and people might be listening, I am voting in favor of that bill and all the other bills, but on that particular issue, I was told by talking with the Director of Finance and reviewing the actuarial tables that they have updated, that all of the pension funds are fully funded at the legally required amounts for the year, and that is why I am in favor of the bill.

The Chair:

The only reason why I am voting "no", and I have to somewhat plead ignorance on this point, I just think procedurally, because of past problems with transfers from the pension funds, albeit, a previous Administration, both the Caliguiri Administration, the Masloff Administration, more so, I think the boards of the various pension funds should review the transfer issue and give us some letter, a comfort letter, regarding the transfer, and I do not see that here; it may be that it is appropriate, it may be that is accurate, the Administration's characterization that there are monies there and this is appropriate, but as you know the past transfer was called into question by Auditor General Barbara Hafer and we have to actually make a repayment back.

I would prefer to have a comfort letter from the three pension boards. Even though I currently sit on the municipal board, it has been a learning process for myself, the individuals that serve on these pension boards seem to be very well qualified and very -- I mean they really take their fiduciary responsibility to heart, and I would prefer to see a comfort letter from those respective boards before the Administration just sort of reaches in and for the sake of garnering the four million five withdraws, you know, a half a million dollars each from the three funds.

I do not see that here. It may be something that they would agree to, but I guess I am voicing a concern just on the procedure.

Mr. Onorato:

I agree, and I think in future practice, I would like to see the same letter that you are referring to.

I would just like to point out, too, that transfers are being made to the fire and police overtime accounts and longevity accounts, and I feel comfortable in that, I know you, Mr. President, and the majority of this body, or previous body has supported increases in some of the parking tax and made sure that even the widows gets paid and that the pensions are going to be secured by the full faith and credit of this government. If there ever was a shortage in the future, or if there was ever a change in the law that the funding had to increase, I know we would make the decision to put the money in there, because I in no way would want to under-fund any of the retirees, and I know you wouldn't or my colleagues wouldn't. So, I feel comfortable knowing that we have the ultimate say in funding.

The Chair:

Very good. Councilman Cohen.

Mr. Cohen:

Thank you, Mr. President. I think that is an important issue to be raised. I think all of us questioned that when the Finance Director Paul Hennigan came around. As soon as I saw that line item of taking money out of the pension funds, that is the first question I asked. He assures us that the City will still be able to meet its MMO, what is referred to as "MMO", meaning the Mandatory Municipal Obligation, and I think that we should give him the benefit of the doubt on that. If we do not do this, then there is a good chance that we are not going to have cash at the end of the year to be able to meet a payroll.

So, it is a tough decision to make, but I do think that we should take their assurances that we will be able to satisfy the law on the pensions, and if we hear any evidence to the contrary, then I think we should come back to the table.

The Chair:

Very good. Maybe as a follow-up, though, we can ask each one of the -- maybe through Mr. Keller we can communicate to each of the pension funds and ask for their review of this issue.

Other discussion?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Smith
Mr. O'Connor	

AYES 7 NOES 1

(MR. FERLO, PRES'T, VOTING NO)

The bill having received the legally required number of votes passed finally.

Also,

Bill No. 1107

A Resolution entitled, "Resolution providing for the issuance of a $3,254.73 warrant in favor of August T. Michel II in settlement of claim for automobile damage."

Which was read.

Also,

Bill No. 1108

A Resolution entitled, "Resolution providing for the issuance of a $917.00 warrant in favor of Mary L. Zarazinski in settlement of claim for sidewalk damage."

Which was read.

Also,

Bill No. 1109

A Resolution entitled, "Resolution PROVIDING FOR THE ISSUANCE OF A WARRANT IN THE SUM OF $20,000 TO DONALD D. ROSSETTI, ESQUIRE, AS ATTORNEY FOR LONA D. COBB, USX TOWER, SUITE 3260, 600 GRANT STREET, PITTSBURGH, PA 15219, IN FULL AND FINAL SETTLEMENT OF THE ACTION FILED AT GD92-12696 ALLEGING PERSONAL INJURY AND PROPERTY DAMAGE SUSTAINED DUE TO A VEHICLE COLLISION AT LINCOLN AND LEMINGTON AVENUES ON OR ABOUT AUGUST 13, 1990."

Which was read.

Also,

Bill No. 1110

A Resolution entitled, "Resolution PROVIDING FOR THE ISSUANCE OF A WARRANT IN THE SUM OF $7,500.00 TO ANN VALENZO AND MICHAEL VALENZO, C/O AUGUST C. DAMIAN, ESQUIRE, DAMIAN 7 DELUCA, 800 MUTUAL BUILDING, 816 FIFTH AVENUE, PITTSBURGH, PA 15219 IN FULL AND FINAL SETTLEMENT OF AN ACCIDENT WHICH OCCURRED IN FRIENDSHIP PARK ON OR ABOUT SEPTEMBER 26, 1990."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Smith
Mr. O'Connor	Mr. Ferlo
	(Pres't)

AYES 8 NOES none

And there being two-thirds of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 1111

A Resolution entitled, "Resolution providing for a professional services agreement or agreements for the provision of obtaining a people-based court software application that can meet and manage the Housing Court functions of case processing, fine/cost collection and reporting functions for a cost not to exceed Forty Thousand Dollars ($40,000), payable from Code Account 1043, Index Code 104307, Miscellaneous Services and for the payment of the costs thereof."

Which was read.

Also,

Bill No. 1112

A Resolution entitled, "Resolution providing for new and/or existing Agreement (s) and/or Contract (s) for the provision of design and development of City-Wide Financial Information Systems and providing for the payment of the costs thereof."

Which was read.

Also,

Bill No. 1113

A Resolution entitled, "Resolution further amending Resolution No. 1455, effective January 1, 1994, as amended, entitled 'Adopting and Approving the 1994 Capital Budget and the 1994 Community Development Block Grant Program; and approving the 1994 through 1999 Capital Improvement Program,' by creating a new line item (CIS 94-474, financial Information Systems)."

Which was read.

Also,

Bill No. 1114

A Resolution entitled, "Resolution authorizing and directing the City Controller to create a special trust fund, to be designated as the Computer Equipment and Supplies Trust Fund (CESTF), for the deposit of monies from the sale of used, broken, or obsolete Computer Equipment and/or Supplies and authorizing the use of monies deposited into said Trust Fund by the Department of the Mayor, Bureau of City Information Systems for any and all expenses associated with the sale/purchase of new/replacement Computer Equipment and/or Supplies."

Which was read.

Also,

Bill No. 1115

A Resolution entitled, "Resolution AMENDING Resolution No. 434, Item L, effective April 27, 1992, which authorized the sale of two vacant lots, 1408-1410 Eckert St., 27th Ward, Block 45 A, Lots 41 & 42, to James M. LaBella, for the sum of $1,000.00."

Which was read.

Also,

Bill No. 1127

A Resolution entitled, "Resolution AUTHORIZING the transfer of Twenty Thousand Dollars ($20,000.00) from Code Account 1400, Index Code 140004, Salaries and Wages, Bureau of Administration to Code Account 1401, Index Code 140103, Miscellaneous Services, Bureau of Administration, Department of Public Safety."

Which was read.

Also,

Bill No. 1134

A Resolution entitled, "Resolution transferring the amount of Ninety Thousand ($90,000.00) Dollars from Code Account 1666, Salaries and Wages, Regular Employees, Index Code 166603, to Code Account 1501, Premium Pay, Index Code 150102, both accounts within the Department of Public Works."

Which was read.

Also,

Bill No. 1135

A Resolution entitled, "Resolution transferring the amount of Thirty Thousand ($30,000.00) Dollars from Code Account 1800-1, Premium Pay, Index Code 180018, Department of Parks and Recreation to Code Account 1700-1, Premium Pay, Index Code 170019, Bureau of Parks Maintenance, Department of Public Works."

Which was read.

Also,

Bill No. 1136

A Resolution entitled, "Resolution transferring the amount of Six Thousand ($6,000.00) Dollars from Code Account 1612-2, Equipment, Index Code 161224, Bureau of Operations to Code Account 1728-1, Premium Pay, Index Code 172817, Bureau of Parks Maintenance, both accounts within the Department of Public Works."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Mr. Hertzberg.

Mr. Hertzberg:

Thank you, Mr. President. Bill No. 1111 is for Housing Court to get some new software, and I will be voting in favor of that. I am happy to see the initiative taken by Magistrate McLaughlin on this. Hopefully, with the addition of the software and with some new proposals for enforcement, we will finally start tracking some of these violators and collecting fines, and hopefully some of the conditions will improve in our housing throughout the City.

On Nos. 1112, 1113 and 1114, I ask that my comments be brought forward.

(REMARKS -- SEE ADDENDUM)

The Chair:

Thank you, Councilman. Other discussion?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Smith
Mr. O'Connor	Mr. Ferlo
	(Pres't)

AYES 8 NOES none

The bills having received the legally required number of votes are passed finally.

MR. RICCIARDI PRESENTED

Bill No. 1174

Report of the Committee on Public Works for October 12, 1994, transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 1137

A Resolution entitled, "Resolution granting unto The Pennsylvania Institute of Culinary Arts, 808 Liberty Avenue, Pittsburgh, Pennsylvania, 15222, their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, a vault in a portion of the sidewalk area on Liberty Avenue in the 2nd Ward, 6th Council District of the City of Pittsburgh."

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Smith
Mr. O'Connor	Mr. Ferlo
	(Pres't)

AYES 8 NOES none

The bill having received the legally required number of votes passed finally.

MR. CUSICK PRESENTED

Bill No. 1175

Report of the Committee on Engineering and Construction for October 12, 1994, transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with a **NEGATIVE** recommendation,

Bill No. 793

A Resolution entitled, "A Resolution ADOPTING OFFICIAL SEWAGE FACILITIES PLAN FOR THE TELEDYNE INDUSTRIES PLAN OF SUBDIVISION---NEGATIVE RECOMMENDATION."

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Councilman Smith.

Mr. Smith:

Yes, Mr. President. I think that, although we have good intentions in the room and at this table, I think that it is inappropriate to blackmail through denial of a permit to this particular corporation that has met all of the legal obligations.

I voted in favor of this bill in our preliminary vote. I still feel that it is inappropriate to attempt to blackmail, or use this particular method of getting them to not be able to continue. I feel that if everything is legal we should proceed with it as it stands and deal with all of the other mechanisms that we can avail ourselves to in trying to get them to not build or continue with this particular facility, but as long as one fits the legal requirement, we should not, this body should not be an organization that blackmails other organizations. I think that is inappropriate.

I will be voting for this bill so that they will get their permit and can begin their work, because it will be, whether we manage to stop it or not, it will be an improvement to the community, a taxable entity that will be there, it will raise the value of that property, and I think that we are doing something that is inappropriate. Thank you.

The Chair:

Thank you, Councilman Smith. Councilman Cusick.

I would just like to go on record as saying, I very much want to vote against this. I will be voting "yes" today only because, as Mr. Smith stated, that I think this body has been responsible in holding this up and sending the appropriate letters and concerns to the other bodies of government, may they be federal or state and, quite frankly, I think it is the only right thing for us to do, is to move ahead on this and pass it today and try to exert any other ways of preventing this type of program from happening here in the City.

The Chair:

Thank you, Mr. Cusick. Councilman Cohen.

Mr. Cohen:

Thank you, Mr. President. I agree with both of my colleagues. I am not sure I would use the word "blackmail". Just in case we do end up in Court, Councilmen, I am not sure that will help our position, but I do agree with them. This Council has expressed unanimously its views about the centralized system for auto emissions testing. We all co-sponsored and voted for a resolution that opposes that system and asks the state legislature and the federal representatives, United States Congressmen and Senators, to go back to the drawing board and do a decentralized system.

The problems, as we have stated over and over again about the centralized system are, it is a multi-million dollar contract to an Arizona-based, non-Pennsylvania corporation; it cuts out the service stations and the garages who do inspections now. There is only one location that is designated in the entire City of Pittsburgh and that location, with all due respect to Councilman Hertzberg, is in the far reaches of the City, in East Carnegie, a very nice place, but it is nevertheless going to be a major inconvenience to motorists in the City of Pittsburgh to go to that one site.

We have expressed our view on that in a formal proclamation, and hopefully the state legislature and our federal representatives will take heed to that resolution.

As far as this bill is concerned, I abstained last Wednesday because of that frustration over this whole system, and I wanted to think about this and research it more, and after doing so, I agree with my colleagues that we cannot really responsibly vote against this.

The legal issue is whether or not we have the sewage capacity for this particular facility, and I think if we voted against it, we would end up in court and our chances of winning on that issue is slim. That has been told to us by our Solicitor. Slim is probably even greater than what he said.

So, I think that the best thing for us to do here is to vote for this, but at the same time support the resolution that we should not have a centralized system, we should not cut out the service stations and the garages, we should not give a multi-million dollar contract to a non-Pennsylvanian corporation to do this when we could have a decentralized

system and also one where there is not just one location in the entire City of Pittsburgh. That is absurd.

So, let's express our views as we had through that resolution but vote for this bill. Thank you.

The Chair:

Mr. Ricciardi.

Mr. Ricciardi:

Thank you, Mr. President. I believe it has been several months, maybe only several week ago, I first had this bill recommitted, and I want to thank all of my colleagues for their support.

I think Mr. Cohen has precisely stated my position. I have always been opposed to this centralized emission testing for several reasons. Obviously, the inconvenience is going to be unbearable to our City residents. I believe we are cutting out small businesses who have already made a substantial amount of investment into their current facility and/or equipment. I think we have won on a certain point, and that was that we continued to raise the issue, the state legislature, hopefully, went back and they are revisiting this issue

At this time I will be voting for it, and the reason for that is clear, even though I have been stating my opposition to it, and it is because of Councilman Hertzberg, and let me state the reason for that.

This is occurring in Councilman Hertzberg's District, and I think he has been very statesman-like about it and he showed the political courage and will because he realized that the bill, we had to view it and we had to critique it on the sewage system and not the use or not the concept and not the issue, and that must have been very difficult for Mr. Hertzberg because, obviously, it is happening in his district, and I realize that a group of residents, or certain residents and maybe even larger than that, were opposed to that.

So, for that reason I will be voting "yes" on this bill. I think our position is clear, this is not an emission controls that we put forward to the public but it is one that has been forwarded by the state legislature, hopefully they are going back on that. We should not be bullied by federal mandates. We should have our federal officials, Mr. Specter, Wofford and Mr. Coyne stand up for this City.

I will be voting for it, though, and I really respect Mr. Hertzberg's position throughout this whole discussion.

The Chair:

This is definitely interesting. Councilman O'Connor. So far everything is going his way, so he's happy. Go ahead, Councilman O'Connor.

Mr. O'Connor:

So far I agree with everything my colleagues have said, and I would probably be the last person in this group to carry a protest sign, but I am going to vote "no" for this just to send it -- as a protest vote, because I am really fed up with Washington mandates, such as this, such as some of the HUD mandates and regulations that Councilman Onorato will probably be talking about today. I was recently at the Highland Park Reservoir and again upset when I tell people what the mandates, regulations are put on us to cover a reservoir that no one has been sick in the last hundred years in the City of Pittsburgh.

So, I am going to vote "no" just as a protest, whether legally it is right or not.

The Chair:

I think I have been here at least seven years, I have never voted four different times in a different fashion on the same bill, but I think it indicates the frustration that not only I have but obviously every member of Council has in relation to the whole issue of the so called centralized emissions testing.

I am going to vote "aye" for the bill on two remaining points, and I guess one of them has to do with risk management. I think it is clear -- Councilman Cohen talks about the legal issue here -- as part of that burden, unfortunately, also I would be worrying about not only that, obviously the company and/or the real estate interest involved in the East Carnegie area, would probably obviously win on the issue of Council's abuse of

power on the sewage facilities plan. The one thing that worries me, which is helping me change my vote is, with that I would not want to pay any damages associated with delay by this Council over the last couple of months on this issue. I think that would be unnecessary.

I would be glad to be one of the volunteer recruits to man the gun batteries at the Alamo on this issue of emissions testing but I do not think this bill really represents that Alamo. I think, in a way we have to some extent put an undue focus and burden on the local government, meaning our own municipal powers, as it relates to having any key decision on this issue, but I think tactically that is a little bit wrong because I think the pressure has to remain, the focus has to remain on the State Senators, the State House of Representatives, as well as the federal folks running in the Congress, because we really do not have the power at the local municipal level, and I think it is important, especially given the change in the prevailing wins in Harrisburg, that we really keep pointing the finger where it needs to be pointed. I won't say which finger.

So, I think we need to keep a focus on this, and I think, in terms of just the obvious risk here associated with our abuse in turning down a sewage facilities plan, there is really no discernible problem associated with the amount of affluent from this facility and we would be laughed out in a court of law. We had hoped at one point that the Administration would find some creative legal way to express Mr. Ricciardi and other folks' point. They do not seem to be willing or able to deal with that. I think, unfortunately, we are faced today with voting in the affirmative on the sewage facility plan, but in no way is this Council recanting or rescinding our opposition to centralized emissions testing.

Councilman Onorato.

Mr. Onorato:

Well, Mr. President, I think it is nice that you finally accept the Legal Department's opinion and agree with it.

I am going to take a page out of your book and continue to vote "no" because I disagree with the Legal Department's decision. I think it just sends a strong message, as I stated many times before. I know it is only a vote on a sewage hookup; however, it would be nice to keep the focus legislature but, as you know, that does not happen. The focus is always on this body and the local governments. That sends a strong message, and I guess the message I am saying today is that I do not want this facility in the City of Pittsburgh. I do not want the 54 jobs that it provides, and I do not want the tax that it will bring in from a taxable entity because I recognize they are the benefits that are coming in.

It is the larger picture that I am dealing with. I think that once again the small businessman has just been destroyed and ignored and the lack of having the political clout to go up there as a group because they are scattered across the area, has come through loud and clear once again, very similar to what is happening with a lot of the independent pharmacies right now with all the new government mandated HMOs only the requiring the big boys to participate in the plan. This is a perfect analogy we are doing with the emissions testing now.

I like the convenience of going down the street and being able to pick one of ten different stations in a one mile area of my house, and I am sure a lot of residents and a lot of people in the City feel the same way. Maybe this is not the proper vote to have that protest because we are not debating the issue here, but it is the only way that I can express my concerns, and I will continue to vote "no" today.

The Chair:

I appreciate that, but again, just in response. The only reason why I am switching my vote, and I agree with everything that you say, is my one fear, and I am looking at only from a financial point of view, that we may be faced with the possibility of paying some type of delay damages, given the amount of testimony and statements that are now a matter of public record, regarding our true motives regarding the delay of this facilities plan, and I am talking about my own comments also. I am just worried that a local judge would say not only did we act outside the purview of the law but we have caused a financial burden to Envirotest, and we may in effect have the opposite effect of actually benefiting this corporation, which I do not think any of us intend to do.

So, solely on that very narrow issue I am switching my vote in favor of this plan. The other thing is, I do not have a confidence in the Law Department that they would actually defend our interest. I think they would just go in and say, "Yeah, you're right, Council abused its authority."

Mr. Onorato:

I knew you would come back, Mr. President.

The Chair:

And I am worried about it.

Did you want to come back again?

Mr. Onorato:

No, that is fine.

The Chair:

Councilman Hertzberg.

Mr. Hertzberg:

Thank you, Mr. President. We have before us --

The Chair:

See you won another now.

Mr. Hertzberg:

I didn't win anything. Please don't say that. That's the whole problem here.

Mr. O'Connor:

The votes aren't counted yet any way.

The Chair:

You turned us all around.

Mr. Hertzberg:

Bill No. 793, this is a resolution adopting Official Sewage Facilities Plan for the Teledyne Industries Plan of Subdivision. That is the bill before us. The bill before us does not contain the word "Envirotest", it does not contain anything about any state emissions plan, and when I go back and look over the most recent history of City Council and some of the leadership, now I think I can understand why sometimes debate was cut off when it seemed to be kind of off the subject, and there is no doubt in my mind that maybe some of the previous leadership -- and I am not faulting you, Mr. President; I think we should be able to debate openly over questions of public concern, but, unfortunately, the feedback that I am getting from the public over the bill before us is total confusion. That is what is happening because we are over here debating a much bigger issue than is in front of us, an issue we have no control over, and it is revolving around a bill that has nothing to do with anything but sewage, and I think, as everyone has mentioned, we have our Solicitor's opinion here that there are only five criteria that we can use in approving or not approving this bill and they are all related to sewage, and then if we did refuse and if we did get a negative vote here today, we would have to provide a reason for that, and the reason for it to be valid in any manner at all would have to relate to the sewage. It is just not there.

On the bigger issue -- I had to put my two cents in any ways now that the door has been opened wide. I think people have to realize where the City of Pittsburgh sits in the whole set up here of governments. At the top we have got our Federal Government, the biggest people, and this is set up by our constitution, the Federal Constitution; then next comes our State Government, and under our State's Constitution and all State laws, they then give the City of Pittsburgh its existence. We are at the very bottom of this chain, and the legislation involving the testing facilities started at the top with the Federal Government, then it worked its way down to the State, and we are just the unwitting victims of this whole scheme right now.

I have kind of some bad news, too, because whatever capacity I have in this whole scheme of things with this Envirotest facility, I did try to get -- realizing there isn't much we could do about, I tried to get Envirotest to do some things. One of them was to work with a local Job Service, I am now informed they are not going to do that. We were also told that this would bring some jobs, and we were given -- it is not a great paying job, $6.00 an hour, but now I hear it is even lower, five and a quarter an hour. So, if you want to be mad at

your state people, they are the ones that entered into this agreement with this Arizona-based corporation, which is not starting off on the right foot, as far as I am concerned. I am pretty upset about that. As I have repeatedly said, our hands are tied. Our total criteria is whether the sewage hookup is appropriate and it has a hundred percent been stated that it is. It is unfortunate that we are in this position, especially when we look at what this will probably do to our local auto repair people, who I am sure, in the most part, pay much better than five and quarter an hour to do the kind of work that will be required. Thank you.

The Chair:

Thank you, Councilman Hertzberg. Other comments? Councilman Cohen.

Mr. Cohen:

Just very quickly, Mr. President. I do not think this should be the end of the issue, of course; that it should be really the beginning, and that is, this bill, of course, by voting for it we are going to save tax payers money because if we voted against it we would end up in court and we would lose and we would lose a lot of money for the City of Pittsburgh tax payers, but I would just very strongly urge for us to continue to lobby both our State Representatives and our members of Congress to go back to the drawing board and come back with a better plan.

None of us is against air quality and the environment. All of us are in favor of it, but this is just a stupid method of doing it. So, let's continue to lobby for them to go back to the drawing board and say "no" to a Federal mandate that just -- it doesn't work in practice and not have this be the end.

The Chair:

We have only just begun the fight.

Hearing no other -- Councilman O'Connor, did you want to make a comment?

Mr. O'Connor:

Maybe we should send a letter to our Federal and State officials through their hierarchy and just ask them three questions. Before they vote for these regulations if they would find out how much it costs, who is going to pay for it and how it is going to work. If they would ask themselves those questions maybe we would not have half of these regulations that are -- and maybe some of the people could send that type of a letter to them, especially before we vote for some of these people.

The Chair:

That was a little bit implied in the last resolution that Mr. Cohen drafted on environmental testing.

Hearing no other discussion, this one bill is now up for a vote. Let's take a separate vote on this bill. If you are in favor of this bill and the legislation approving the Sewage Facilities Plan, vote "aye"; if you are opposed vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Ricciardi
Mr. Cusick	Mr. Smith
Mr. Hertzberg	Mr. Ferlo
	(Pres't)

AYES 6 NOES 2

(MESSRS. O'CONNOR AND ONORATO VOTING NO)

The bill having received the legally required number of votes passed finally.

Also, with an affirmative recommendation,

Bill No. 1101

A Resolution entitled, "Resolution PROVIDING for an Agreement or Agreements with The Carnegie in connection with Various Branch Library Improvements; and providing for the payment of the costs thereof."

Which was read.

Also,

Bill No. 1102

A Resolution entitled, "Resolution PROVIDING for an Agreement or Agreements with The Carnegie Library of Pittsburgh for the purpose of purchasing materials and/or equipment for several library branches; and providing for the payment of the costs thereof."

Which was read.

Also,

Bill No. 1103

A Resolution entitled, "Resolution PROVIDING for a Cooperation Agreement or Agreements with Carnegie Institute in connection with On-going Miscellaneous Improvements; and providing for the payment of the costs thereof."

Which was read.

Also,

Bill No. 1104

A Resolution entitled, "Resolution PROVIDING for a Cooperation Agreement or Agreements with The Carnegie for renovations to various Carnegie Facilities, and providing for the payment of the costs thereof."

Which was read.

Also,

Bill No. 1105

A Resolution entitled, "Resolution further amending Resolution #1455, effective January 1, 1994, as amended, entitled, "Adopting and Approving the 1994 Capital Budget and the 1944 Community Development Block Grant Program; and approving the 1994 through 1999 Capital Improvement Program," by creating a new line item (EC 94-429, Carnegie Institute)."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

In relation to the several bills, 1102 through 1105 on funding for the Carnegie, I believe you have a memo from Dave Keller. I think the only operating budget dollars being considered by the Administration is the legally required $40,000.00 of operating subsidy for the 1995 year.

Now, I would ask please that any Councilmember, if you are meeting separately with the Carnegie Library or the Institute, if you would let us know and especially Mr. Onorato, Finance Chair, if you are planning amendments to the City's budget in relation to additional revenue for these organizations.

At this point you see that it is a wash, the money that they received from the Regional Assets District. The only thing that I believe will be elicited by the Mayor in the preliminary budget will be the 40,000 for the Carnegie Library, zero for the Institute. If somebody is planning something please let the rest of us know or it is going to be kind of confusing during the budget debate.

Any other discussion on any of the bills? Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Ricciardi
Mr. Cusick	Mr. Smith
Mr. Hertzberg	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 7 NOES none

The bills having received the legally required number of votes are passed finally.

MOTIONS AND RESOLUTIONS

The Chair:

Under Motions and Resolutions. Councilman Ricciardi.

Mr. Ricciardi:

Mr. President, I would like the resolution read in its entirety. Thank you.

MR. RICCIARDI PRESENTS

No. 1176 WHEREAS, the Pennsylvania General Assembly has approved and the Governor has signed Act 77 of 1993 which allowed Allegheny County to levy a one-percent sales tax; and,

WHEREAS, on July 1, 1994, the Board of the County Commissioners enacted the one-percent sales tax in Allegheny County; and,

WHEREAS, among the stated purposes of Act 77 of 1993 was to lower or eliminate certain anti-growth taxes including a specific requirement that the City lower its Amusement Tax to a rate of not more than five percent; and,

WHEREAS, the owners and operators of entities whose businesses are subject to the City's Amusement Tax would enjoy a fifty-percent windfall reduction in their Amusement Tax burden ; and,

WHEREAS, the taxpayers of the City of Pittsburgh and the remainder of Allegheny County now pay a sixteen-percent surcharge on their state sales tax to fund, among other things, the reduction of the City Amusement Tax liability of professional sports franchises, cultural outlets, arts organizations, and other entertainment concerns.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh shall delay action upon any Ordinance which would reduce the City Amusement Tax rate until the owners or boards of directors of organizations who are subject to the City's Amusement Tax and whose annual gross revenues exceed one million dollars reduce the prices of tickets, subscriptions, or admissions commensurate with the proposed reduction in the City Amusement Tax.

Mr. Ricciardi:

Move for discussion, Mr. President.

The Chair:

Is there a second for discussion?

MR. SMITH seconded the motion.

The Chair:

It has been moved and seconded.

Just on a matter of procedure. I would have to consider that this resolution is clearly illegal and out of order, and I would like to explain it.

We legally -- this proposal that Mr. Ricciardi has is a non-binding resolution, or a sense of the will of Council, if I understand it correctly, under Motions and Resolutions. Earlier this year we took a formal legal vote by way of adopting an ordinance where we accepted and agreed to be part of, as a municipality, the receipt of participating in the Regional Assets District, and in doing that we made a clear legal stipulation that we would abide by the law, including the reduction of the Amusement Tax January I, as well as the elimination of the Personal Property Tax from the City's operating side, as well as making the School Board whole on their Personal Property Tax, which I think was in excess of three or four million.

In terms of the way the bill is specifically worded currently, this last paragraph, I really question that it is technically illegal and out of order.

Mr. Ricciardi:

I would like to respond to that, Mr. President.

The Chair:

Mr. Ricciardi.

Mr. Ricciardi:

Your remarks were correct, however, the intent of our initial vote at the beginning of the year was that the Amusement Tax was decreased.

It is almost as though if a tree falls in the forest and no one hears it, does it make a noise. That is, that if we reduce the Amusement Tax and that if someone does not save on the reduction, we have not really in effect reduced our Amusement Tax because there has not been an affect.

So, that is the reason I think it is very important to have discussion on this bill. I respect your position. Hopefully there will not have to be a motion to overrule the Chair because we have always had the latitude at the end of the meeting to discuss a number of issues.

If your reasoning is to either kill the resolution, I am sure that you have your opportunity to discuss it and show your reasons why you are opposed to it, but I think to stifle a conversation or to stifle a discussion on this is very detrimental and will send a bad message out to the public.

The Chair:

Well, I think we should proceed with the debate and dialogue on the bill, but I do strongly believe, although I am not going to rule as chairing this meeting, that the bill is illegal and violative of an actual voting ordinance of this Council. When we approved the RAD and agreed to receive the money we also approved -- clearly legally we approved the binding requirements of the lowering of the Amusement Tax and the other tax reform issues that I address.

So, I think clearly this resolution is in violation of what you yourself, I believe, voted on and other members, who are now raising this objection. I won't rule it out of order. Let's proceed with the discussion. I just want to make it clear why I stated in the paper I felt that this was illegal.

Mr. Ricciardi:

Obviously it is a non-binding resolution. If the resolution does pass today we will have plenty of opportunity to get a legal opinion from the Law Department.

The Chair:

Well, let's be clear now. This is a non-binding resolution --

Mr. Ricciardi:

I have stated that, Mr. President.

The Chair:

We have legally, already, this Council, yourself included, we have already legally agreed to the RAD, the Regional Assets District. In doing so we have already legally agreed to do certain things that are clearly stated in the Act regarding changes to our tax structure.

So, let's proceed with the discussion. You now have the floor.

WHICH MOTION PREVAILED.

Mr. Ricciardi:

Great. Thank you, Mr. President.

Mr. President, and colleagues, I believe the resolution presented to us today is very clear, and what I am saying is that, if the City reduces our Amusement Tax that I believe that there should be a decrease on our admissions throughout the City of Pittsburgh.

I think it is very important to state for the public the definition of the tax itself, the Amusement Tax itself, and the tax collectors. For example, in the Pittsburgh Code it reads that "a tax is hereby imposed upon the patron of any amusement for the privilege of attending or engaging in any amusement at the rate of 10 percent of the established price charged the general public." To the general public. That is, that the person or the entity that is paying the Amusement Tax is not our tax collectors, is not our tax producers, that I will get to later on, but it is actually the audience and the spectators.

Under 241.05 it talks about the collection and payment of the tax, and it says "**Producers**", which is in bold writing. "**Producers** shall collection the tax imposed herein and shall be liability to the City agents thereof for the payment of the same to the City." Please keep in mind that the major cultural, sports and entertainment businesses are not our tax payers in terms of the Amusement Tax, but they are our tax collectors. They are our agents that we have requested to date to collect a 10 percent Amusement Tax.

For example, if you look at a last production, a very popular production here in the City of Pittsburgh, put on by DiCesare-Engler, you will see that the "Rolling Stone" ticket states that the ticket is $50.00, plus $5.00. That $5.00 represents the Amusement Tax of 10 percent, equals a total of $55.00. What I am saying is -- and I will get to Act 77 -- that if we reduce our Amusement Tax from 10 to 5 percent, this ticket should read "$50.00 for their ticket, plus $2.50 for a total of $52.50" because we are asking our tax collector, in this case, DiCesare-Engler, not to collect 10 percent from our patron, according to the definition in the Pittsburgh Code, but instead now to collect five percent.

I think Act 77 of 1993 is very clear, and it is not a complicated Act, colleagues. For example, if you read through it, it is really broken up into two parts. The first part is revenues to go to the regional assets here in Allegheny County, including the City of Pittsburgh. It talks about an entire process. It talks about an application process, a public hearing process, a review process, and then most important a public vote, where regional assets, such as the zoo, or the Steelers, or the Stadium Authority, or the County or the City for regional parks, can go in, go through the process and be granted "X" number of dollars.

Then, totally separate from giving out these funds, towards the end of the bill it talks about a reduction or elimination of three taxes here in the City of Pittsburgh and Allegheny County. That is the elimination of very unpopular Personal Property Tax, which Mr. O'Connor took the lead on last year to bring it to light. It also talks about a reduction of Property Taxes for seniors over the age of 65. Then it talks about the reduction of the Amusement Tax from 10 to 5 percent.

Now, colleagues, when this was first brought up, this was a tax increase of 16 percent on the Sales Tax, from 6 to 7 percent. It is interesting that you did not hear an uproar throughout Allegheny County opposed to this because any time you raise any type of tax you are going to hear opposition because the spin was put on to this Act of 77, and the spin that was put on from the legislature was, most people in Allegheny County, including the City of Pittsburgh, they are not in support of funding the Pirates, they are not in support of funding the zoo or these regional facilities, such as parks, and the reason for that is, most people do not partake in that. So, the State Legislature put on the spin. For the one percent Sales Tax, seniors, you get a reduction in your Property Tax, age 65 and over. So, of course, most Senior Citizens in the City of Pittsburgh said, that's not a bad deal. It also said, other people, we're going to eliminate the unpopular Personal Property Tax. So, that sector of the audience said, that's not a bad deal. Then others said, well, at least I'm going to save a few dollars on my season tickets to the Pirates. So, people probably said, it's not a bad deal.

Again, if we reduce the Amusement Tax from 10 to 5 percent two things can occur. The intent of the law, I believe, is clear, that is, that there should be a savings to the spectators and to the audience of these major cultural, sports and entertainment productions that are put on; or, if that savings is not passed on to the patrons, there is going to be a windfall for these tax producers. That is the key, colleagues, that these people are not the ones paying the Amusement Tax.

The Steelers don't pay the Amusement Tax, they collect the tax. It is here in the Pittsburgh Code. The Opera does not pay the Amusement Tax, they collect the tax for us, and that is put forth in the Pittsburgh Code.

An editorial appeared, which I found very entertaining and very interesting, as a matter of fact, in the Pittsburgh Post Gazette Sunday edition, but I really liked the heading "Trick or Treat", and this is very important because I believe people have been tricked all right, it's the residents of the City of Pittsburgh and Allegheny County, and those that are going to be treating themselves to this windfall are these tax collectors, are these tax producers, and that is what I think is going to occur.

There is another issue here. In 1989, tax reform failed here in the City of Pittsburgh. Tax reform that I supported because I thought it was a good idea because we were then looking at beyond the City's and looking for these regional type of taxes or issues or funding. Why did it fail. Polls came out afterwards, because people were skeptical. People did not believe that it was true tax reform. People thought it was a sham, another scheme from elected officials, and it went down, it went down big.

Even the Post Gazette reported that this was many tax reform, and I was pleased that they stated that because in my conversations with Mr. Tom Barnes, I stated that, that this was tax reform.

The bigger picture: If the public does not receive a reduction in their Property Taxes, if the public does not receive the elimination of the Personal Property Tax, and if the public does not gain the savings from this Amusement Tax, the public, once again, will say, there they go, typical politicians; this wasn't tax reform, this was just a way to put additional monies into our pockets, and that is what we are going to have to state in the future because we are going to need tax reform in this State, in this County and the City. Are we going to be trusted in the future?

I believe the intent of the law is clear, and that is the reason we should lay this back on the State Legislature like we did on the emission controls. It is totally separated from the beginning of the bill. The beginning of the bill talks about how these regional assets can gain funding through the process, the application, the public hearing, the review, the public vote. The bill never talks about a windfall for our tax collectors through the Amusement Tax.

Again, I will end with saying this, please keep in mind that the Amusement Tax is paid by the patrons. That these major cultural, sports and entertainment businesses do not pay the Amusement Tax, they collect the tax. Now, these entities want to raise their tickets. For example, DiCesare-Engler wants to state they want to continue to get the $55.00, they want to raise their tickets and say, well, now the ticket's 52.50, plus 2.50 for the Amusement Tax, equals the same $55.00 total, let them raise their tickets. Let them have the will to come forward and say, we need to continue at $55.00, we need this windfall, raise the tickets, because later I will be coming with legislation, it needs to be stated on all of their tickets exactly what our Amusement Tax is, and that is going to box them in because now they are not going to be able to hide behind a total figure, they are going to have to state what the ticket is and what the Amusement Tax is, and I think that is very important.

Let me also state, when I presented this legislation only people in City Hall said, "Gene, I think that's a difficult vote," none of my colleagues stated that, other people. "Gene, you know, some of those people seem to be powerful interests; some of those people are big supporters of people throughout this entire County and State."

I will end with this, colleagues, it is not a difficult vote because it is the right vote, it is the right thing to do, and plus look beyond the front offices of the Steelers, look beyond the front offices of the Pirates, look beyond the front offices of the arts and look into the audience, look into the music halls, look into the stadiums, look into the arenas, there's where the power is, there's where our special interests shall lie, there's where the masses are, there's where the people are, and that is why there is no way that these tax producers, these tax collectors are going to get a windfall from me. Thank you.

The Chair:

Mr. Ricciardi, first of all, I think you are engaging in a political hit and run and you do not want to admit to being the driver --

Mr. Ricciardi:

Mr. Ferlo, you always resort to personal attacks --

The Chair:

It is not a personal attack.

Mr. Ricciardi:

-- when you do not have a position or a leg to stand on.

The Chair:

It is not a personal attack.

Mr. Ricciardi:

I would ask you to debate the resolution in front of us because as President of this Council, you should be beyond personal attacks. We put you in a leadership position, others did --

The Chair:

You did not vote for me.

Mr. Ricciardi:

-- I did not. You are absolutely right, Mr. Ferlo, and I am very pleased I did not put you in a leadership position.

The Chair:

I don't view that as a personal account.

Mr. Ricciardi:

Thank you.

The Chair:

I am making it very clear, Mr. Ricciardi, that you participated all along in lobbying for the implementation of the RAD, and you voted --

Mr. Ricciardi:

I believed our tax collectors --

The Chair:

Now you don't want to let me finish.

Mr. Ricciardi:

I believed our tax collectors were going to live up to their commitment to cut the Amusement Tax. They are not living up to their commitment to cut the Amusement Tax, instead they are going to have a windfall --

The Chair:

Mr. Ricciardi.

Mr. Ricciardi:

I apologize for interrupting you, and now I will listen to all my colleagues, that's all.

The Chair:

I know your paid political consultant is also working for Mr. Dawida, who is working against Mr. Foerster. Now, I do not know if your agenda is to embarrass Mr. Foerster on this issue, this Council or the Commissioners --

Mr. Ricciardi:

You know, Mr. Ferlo, you always have this great conspiracy, you know, always have this great conspiracy, that there is always someone out there conspiring either against you or others. That is not the issue at hand. Please discuss the resolution before us. You are a very articulative person and I am sure you can do it.

The Chair:

Excuse me. Excuse me.

Mr. Cohen:

That is out of order. Other people should have a chance to speak.

The Chair:

Just let me conclude. I will defer to Mr. Cohen, since you are hot to speak here.

Mr. Cohen:

No, I think that every Member of Council should have a chance to speak on the proclamation.

The Chair:

I just called my speaker.

Mr. Cohen:

First of all, I do not think that the proclamation is out of order. I think there are a lot of bills that people put before this Council, we discuss and then we vote on them. I do want to commend Councilman Ricciardi on putting the issue forward. I agree with the intention behind his resolution, and that is to obtain lower ticket prices to various events, so that more Pittsburghers can attend those events, and I would hope that various sports teams and institutions, arts institutions, et cetera, will be able to. I hope that they will be able to lower their ticket prices as a result of lowering the Amusement Tax. At the same time, my review of the law is that we do not have the legal right to withhold our Amusement Tax decrease until they actually lower their prices, and for that reason I will be voting "no", but at the same time, I think that Mr. Ricciardi has put forward an important issue. I agree with the intention behind it. If and

when he introduces legislation to require the exact amount of the Amusement Tax be placed on the ticket, I will support that, I think that makes a lot of sense and glad that he put this forward.

Any Member of Council should be able to put forward a resolution and us be able to discuss it and vote on it. The issue that we had right before this on auto emissions, somebody could have made the exact point, that voting against it would have been illegal, but at the same time, we have a right to discuss it, it is a Democratic body, and take a vote on it and not have it be called out of order.

So, I want to commend Councilman Ricciardi for bringing this issue forward. I do not think that we have the legal right to actually require the athletic teams and the arts institutions to do it, but at the same time, I think that a message has been put forward.

The Chair:

Thank you, Mr. Cohen. I make it clear, once again, I did not attempt to stop the discussion or debate on this resolution. I made it clear only that the last paragraph of the resolution, which is non-binding, violates a formal legal action that this Council, including Mr. Ricciardi, already took in agreeing to accept the Regional Assets District and the reduction in the City Amusement Tax. That was my point only.

Mr. Cusick.

Mr. Cusick:

Thank you, Mr. President. I have a written statement here I would like to read. "As a sports and music fan, I too hope the tickets are reduced as a result of the five percent cut in the Amusement Tax; however, that was not the intention of Act 77, nor do I believe it should have been.

"I would like to respectfully disagree with my colleague. I believe that this is not the place of government to be involved in dictating, marketing or pricing policy to City businesses. Our job should be to encourage businesses in the City by making it easier to do business in the City, not to restrict them by telling them how much to charge for their product.

"The reduction in the Amusement Tax was requested to create more profitable atmosphere for entertainment and sports entities in order for us to keep their business in the City.

"Council isn't in the business of running sports teams or promoting major entertainment acts. There are a lot of variables regarding the cost of running such events: Players' salary, labor negotiations, vendors' contract, et cetera, et cetera.

"I do not need to tell you how much the City residents profit from these events in the form of jobs and run-off business, excluding the Amusement Tax.

"If those variables allow for the reduction in the Amusement Tax to be reflected in the ticket price, than that's great. On the other hand, that five percent may be the difference between performing at the Civic Arena or Star Light or the Pirates playing baseball in Tampa instead of Pittsburgh.

"The ticket prices of the Penguins, Steelers and Pirates are very comparable to those of other cities, as are the ticket prices of cultural events such as the Symphony. It is not their intention to price themselves out of the market. As professionals they know what the Pittsburgh market will yield in regards to the ticket price. They are in the business to make a profit and not solely to provide entertainment. It is their prerogative to set these amounts, not ours.

"Although I respect my colleague's attempt to save sports fans and his concert goers five percent at the box offices, I am voting "no" on this resolution and I am urging my colleagues to do the same. This Council should be on record as supporting free enterprise here in the City of Pittsburgh and not discouraging it." Thank you.

The Chair:

Thank you, Mr. Cusick. Councilman Onorato, then Mr. Hertzberg.

Mr. Onorato:

Thank you, Mr. President. I want to say that I believe that Councilman Ricciardi is adamant and believes strongly in his position here, but as I

told him last week, and I will state it again today, I am voting against this resolution.

I am still not sure where it is headed, and let me say why. One, I agree with his explanation of what the Amusement Tax is and about the agency relationship between these companies and corporations and promoters collecting our tax, but let's back up a second on why we have these certain tax reductions. One, and I will say this to all the North Siders who voted for me and I represent, I am going to vote against this resolution, because, one, one of the taxes that are being reduced is the Personal Property Tax. Personal Property Tax goes to stocks, savings, bank accounts. There are Senior Citizens that might be on a fixed income, that's a tax that was a nuisance to them also. Two, a reduction for the real estate, 65 year old and over, Gentrification Act, that goes right to our constituents; there's a benefit. Three, this Amusement Tax. What was the reasoning behind the Amusement Tax.

It was my understanding that we wanted to lower the Amusement Tax to stay competitive. Ten percent was the highest in the region. We already know we lost the Star Lake, as Councilman Cusick pointed out. You always hear rumors every year or so that Monroeville might build something and take it out of here, and how many acts have we heard state publicly they're not coming to Pittsburgh because they had to give 10 percent to the City of Pittsburgh and they never showed up. That was the real reason.

The reason of the Amusement Tax reduction is not to lower the ticket price. That was not the reason of the lowering of this tax. Mr. Baldwin, I think, learned the hard way. There is a thing in this country called capitalism, supply and demand. You can sell the stadium, arena or any theatre for $10.00, then you can sell them for $30.00. If you are the owner, what are you going to charge? Unfortunately, the market will dictate what they charge. The tickets, as Councilman Ricciardi points out, shows the price they are charging, it shows Amusement Tax, I believe, and it shows the total. If they want to continue doing that, that is fine; our tax will be reflected, but not on the line. They can't put price here and still put 10 percent tax near our tax, they just can't do it, it's illegal. If they want to raise it on their end and show our tax, that is their prerogative.

Would I like to see the ticket prices reflect a decrease? Sure. And do I think that will happen? Yes, because I think the marketplace is going to dictate it.

If these owners and promoters continue to gouge consumers, if that is what some of you think they are doing, well, then the consumer is going to respond back. I think the Penguin fans showed that last year. How many times have we read in the paper that they were having a hard time filling up games. A year ago that wasn't a problem but you had a massive increase in prices. And, I think Mr. Baldwin said, he's thinking about lowering the prices back. There is a good example where the market works.

So, I think the real movement behind the Amusement Tax is to keep the City of Pittsburgh competitive, and I agree that the issues that Councilman Ricciardi brought up, it is good to debate them. I think they should have been debated by a lot of other legislative bodies, other than ours, months ago when we were talking about the RAD -- well, we weren't, it was handed to us sort us, but when the discussion of the RAD was in Harrisburg and then locally, that's where these issues should have come up.

Unfortunately, the legislation reads these three types of taxes. I am all in favor of lowering the Amusement Tax, the sooner the better, in no way am I going to vote for a delay in the tax. I strongly believe that you will see this reflected in ticket prices through the market system. That is how supply and demand works.

No way, even if it was legal, even if it was legal, as an elected official, would I want to get involved with dictating ticket prices to anyone. I do not believe in it, it goes against everything I believe in. I think the marketplace should work because I think the best person to make this decision of what the price of a ticket should be is the consumer and they make that choice by showing up or not showing up, by buying a ticket or not buying a ticket. We have seen it happen last year, as I say, with the Penguins and you are going to see it happen with the Pirates, you are going to see it happen with the Steeler and you are going to see it happen with the Cultural Trust.

If we want to talk about making an access to City residents getting these and getting to the

poor communities, well I know the Cultural Trust has an outreach program, I know the Children's Museum has an outreach program, and that is the way we deal with it. We deal with the populations that can't get to these events, see if there is a way we can get them there, but we don't deal through it by trying to dictate prices.

I respectfully disagree with this resolution, and I will be voting "no" against it today.

The Chair:

Councilman Hertzberg.

Mr. Hertzberg:

Thank you, Mr. President. I commend Councilman Ricciardi for this particular resolution. I think it would have been more fitting, though, if we all decided to write a letter to these various organizations that are listed here and ask them if they would consider, or that we would hope that they would pass on this tax decrease on to the consumers.

I do not think we have the power to do what Mr. Ricciardi suggests in this resolution, nor even if we had the power, do I think it would be wise. I mean the result, as I read this, if all these different organizations wouldn't agree to pass it on to the consumers, then we wouldn't lower the tax. I do not think that is what anyone wants either.

I think we are also forgetting about the other 50 percent of the one percent Sales Tax with the Regional Asset District. That other one percent is going to pay for regional assets that the City of Pittsburgh and the tax payers of the City of Pittsburgh previously had been paying for. So that the tax payers are going to benefit from half of this Regional Asset District Tax. It is going to enable us to keep things floating around here next year and hopefully as time goes on we will feel the benefits even more and we can look to some other tax, such as our very uncompetitive high Wage Tax here in the City, and we can start looking to some other taxes on what we can cut.

I am in full agreement with Councilman Cusick and Onorato with respect to the original intention on this Amusement Tax reduction, that is, to make us more competitive, that our Amusement Tax was too high, it was resulting in promoters and performers choosing sites outside of the City of Pittsburgh.

The other thing I do not want to do here is send out the wrong message to businesses in this City, particularly in the entertainment industry, in sports entertainment, in particular, where we have got a hockey situation where we have a lockout, a baseball situation where we have strike, these people have enough problems. I mean we don't need to get on their back, we don't need to ever get on businesses' backs in a situation like that, and that is the last thing I want to be seen doing.

Unfortunately, although I appreciate your intention, Councilman Ricciardi, I am going to be voting "no" also.

Mr. President, I appreciate your indulgence in debates on topics like these. I also appreciate when you're telling Members of Council, you're starting to hit the borderline here. I do not know that we are a body that should sit here every time we have a public meeting and debate every issue that is out there. We should try as best we can to stick to things that belong in front of us, and we are on the borderline, I appreciate your indulgence in this discussion.

The Chair:

Others? Councilman O'Connor.

Mr. O'Connor:

Since when I first took office, I guess because of my business background, I was lobbied by a lot of these groups, these sports groups and entertainment groups to lower the City Amusement Tax, and I sat there and talked to them about it and they gave me the same argument that all these things were going to Star Lake, we're going to lose this, Monroeville might build something, but at the end of the conversation or the meeting I would ask one question: If we lowered the Amusement Tax, would you lower your ticket price? All I got was a stare or a grin or "No, that's not part of the deal."

When Jim Turner approached us about this, supporting it, I asked him "Why would you lower the Amusement Tax?" If you go to Star Lake and there is an event, which I have never been there but I've heard, it takes an hour and a

half to get out of the place because there's no police, there's a lot of traffic, there's no coordination. When you go to our stadium, we might have 20 cops and one at every corner to help you get out and get to wherever you're going. I questioned why we would lower this, and he said the only way they could do it to get it through the legislator was to lower that tax.

Again, the Property and the Personal Tax are a benefit to all the tax payers of the City. Lowering the Amusement Tax was no benefit, and I didn't hear any group, whether it be a team or a concert say, gees, you guys lower your Amusement Tax and we're going to bring all these concerts back to Pittsburgh. That's a bunch of crock.

Mr. Ricciardi is right on the Amusement Tax. Nobody is going to lower their prices. The only thing that will lower the prices is when people don't go to the Penguin games, at $47.00 a ticket, two years ago they were lined up to get them, they have a waiting list, as soon as Mario Lemieux is hurt, they're not winning,, people aren't buying tickets, they're going to lower the price. That is the only way you are going to get any -- I have been buying Steeler tickets, I started at $3.00 as a season ticket holder, now it is $30.00. Nobody is saying they're going to lower the price because of this Amusement Tax.

Our people in Harrisburg, although they did benefit in it. Two, they missed it, on the third, they should let us. They should let us handle our own taxes because we put the police and we have to pay for all these benefits.

Again, did they ask the question, "Are you going to lower the taxes?" No, because either they're not smart enough or they're playing into special interest. It is right in the ticket. We have been accused of hurting business, now let's -- I know legally maybe we can't do what Mr. Ricciardi says to do. Let's see what these entrepreneurs out there do, if they lower price or they give a benefit or they want to pay for some City cops that are out there patrolling when there are special events.

So, again, I think Mr. Ricciardi, legally he's wrong. I think morally he's right. This is a tax that benefited the City of Pittsburgh and 75 percent of the people that paid this tax did not live in the City of Pittsburgh, they came from all over. So, it was a very -- although people complained about it, most of them were from outside the City, but they certainly come in here and enjoy or benefit, and contrary to what people think, it is the safest city in America; there's a lot of police officers out there. So, they do come Downtown. They are starting to come Downtown. They go to the North Side. I go to a lot of games over there; there's a lot of police out there; there's a lot of traffic control. The trouble is, who's going to pay for it. In the long run we did benefit. I think two out of three isn't bad, but I think Mr. Ricciardi is right, Amusement Tax should have been considered better, done better but, unfortunately, it is probably not legal.

The Chair:

Councilman Smith.

Mr. Smith:

Yes. First of all, almost every piece of legislation that has changed America has been illegal when it was introduced. So, I do not find that a valid argument for not having the argument come up.

Everybody in Allegheny County now pays seven percent Sales Tax. For every one of these organizations that represent 10 million dollars of revenue and now what we have is organizations that manage to double dip. They will be at the RAD coffers for assistance and they will get a five percent bonus that we will not be including as part of their RAD.

I am looking for possibly amending this by saying, you cannot double dip. We are bound to drop Personal Property Tax. Those people who get the reduction in Personal Property Tax do not get to double dip. They, too, must pay the seven percent.

I find, especially for my community, the inability to actually afford $47.00 tickets to go somewhere, but they do subsidize by paying the seven percent tax in Allegheny County.

I think that what we need to do is sit down, clear up the language in Mr. Ricciardi's resolution and give an opportunity for us to cease this double dip that they are now able to come up with. I think that is what annoys me the most

because I guess my impression, and please forgive me, I am not the smartest man in the world, that there would be some direct benefit to the citizens of the City of Pittsburgh for paying one percent Sales Tax in the Amusement Tax.

I know that many of us have not thought many bills through but that is why we are allowed to amend legislation that we have put through. I just find it in my heart of hearts a little bit unfair to the guy who gets up and goes to work, especially at a plant in Carnegie, East Carnegie, now, who is not getting $6.00 an hour but he is only getting $5.25 and that $2.00 or $2.50 means as much to him as it does to the owner who now has a windfall. I do not believe that was the intent. We overlooked that particular moment. We need to correct that now, and I ask my colleagues to please work it out because the double dipping, the ability of everyone to attend these events.

We talk about not going out to the suburbs when they have events because of the time travel, because they make more money by going out. The intent was to give someone other than these entities, the people who pay the real money, an opportunity to benefit for paying seven percent on a pack of cigarettes, for paying seven percent on juice that is in the grocery store. We are all paying that and only a few people are benefiting and they are the ones who are most easy to pay for that.

If there are some legal loopholes or some problems that are in this resolution, let us work them out. Let us go to the State Legislature, but do not, do not permit the entities who are collecting a tax for us have a windfall and no benefit, a double dip for the citizens of the City of Pittsburgh and the County residents, and I really believe we made a little boo-boo, let us correct that boo-boo now or attempt to rewrite a portion that permits a benefit to every citizen and not a double dip by many multi-million dollar organizations who will be at the trough of the RAD and also on the back end have the ability to keep because there are about 14 organizations that collected 10 million dollars, so you know what they are getting as windfall proceeds, and then they are going to come to me and ask about RAD monies. No. I think that we made a little mistake. It is wonderful that one of the Councilmen has caught it long before it is – in fact, before the first giving of the RAD monies, and let us work this out.

I am going to support this legislation because my constituents are paying one percent more of their meager incomes and someone from outside the City is benefiting with this particular boo-boo that we allowed to go through. We all make mistakes. The first time that someone said that black people should be free, it was illegal in the United States and yet someone put it on the table.

I think that we need to actually go to the Law Department, we need to get backing of the citizens, and so, therefore, I just feel that we need to have the ability to rewrite that one portion and let them go to the RAD board as opposed to keeping five percent, which is probably somewhere around a half million dollars a piece.

So, I just feel that it is inappropriate to argue the illegality long before we see what we can legally do. Thank you.

The Chair:

Thank you, Councilman. First of all, I was at the "Rolling Stones" concert and it was worth $75.00, not $55.00. All right.

The reason why it was 55, I presume, is that there is experience by promoters and people in the concert business and others at the stadium and the Public Auditorium Authority, going back to Mr. Cusick's point, of understanding what the market -- or Mr. Onorato's point -- what the market will bear.

The reason why I am very upset at this resolution, and maybe I am living in the Twilight Zone up here after hearing some of this discussion, a year and a half has transpired regarding all the politics associated with the enactment of reform legislation creating an increase in the one percent Sales Tax.

The reason why I refer to this resolution as a "cheap shot" is I really think it unfairly criticizes the actions of the political leadership, not only of Mr. Foerster and the County Commissioners but the Mayor, the Allegheny County delegation and others from the private sector community and Cultural Trust, the Penguins, the sports teams, others who began a laborious effort at lobbying for something that we

wanted in terms of reform. Is it the most ideal situation? Obviously not.

In the past I have consistently opposed the lowering of the Amusement Tax because, as Mr. O'Connor stated, 75 percent of that income comes from non-City residents and we would be cutting our own throats. This is a further example of it. We are already going to lose roughly seven million dollars January 1, because of the requirement to lower it to five. If we see a further reduction in tickets we are going to directly impact the City's operating budget adversely.

At one point we did a proclamation commending all this political leadership for bringing up the RAD, knowing full well the burden of the one percent. We already had Commissioner Foerster and others in the last couple of months make a statement that in their budget for 1995, they are going to indicate a major property reduction because of revenue that they have generated as a result of the RAD, and I think we should applaud that initiative.

I did not like the fact that Representative Itkin put the burden on the City to replenish the personal property income back to the School Board because that is a double hit for us. I think the fact of the matter is we have had many actions now. There was a public hearing at the Commissioners' level, a public hearing here in Council, debate on the RAD, no opportunity or at no time did anyone raise this big squabble about the issue of the Amusement Tax and the fact that some of the individuals are not going to lower the ticket prices. That was not even part of the debate.

So, I am really perplexed about all of a sudden everybody is making these laudatory comments about Mr. Ricciardi's resolution here. We keep talking about lumping all these folks together as if they are the same, the Penguins and the Steelers and the Cultural Trust, there are also lots of smaller arts organizations that had the burden of the ten percent and we also had movie theatres, the Plaza Theatre in my Council District; we had the Rex Theatre in Mr. Ricciardi's District; the Film Makers, other smaller based theatres. That generated about $430,000.00 for this tax year of income. That is going to be less, obviously next year, but that is roughly $220,000.00 that will be returned to neighborhood-based theatres, movie house theatres. For maybe the Penguins, 20 or $30,000.00 now to make it or break it, but for the Plaza Theatre in Bloomfield, 8 or 10 or $20,000.00 is a significant amount of money. I would imagine the Rex Theatre, the Film Makers, the Playhouse, which, unfortunately, has already bit the dust, and others, I think welcome that additional income that will result, and we know it is going to be a windfall, and I say "right on," let them have that income to secure and safeguard their continued operation here in this City.

We have already taken the check. It is like we are biting the hand that feeds us. We are already in receipt in July -- excuse me, in September we were in receipt of a July check from the RAD, from the State, wherever it comes from, the State Sales Office, of $575,000.00. We have already taken the check, deposited it in the City bank; we have already agreed by formal ordinance.

My reference earlier, Mr. Cohen, about the legality of this resolution was just pointing out the contradiction in a non-binding resolution versus what we legally pass by way of a formal ordinance. We formally ordained that we want to be a part of the RAD. This municipality wants in on the money that will be accumulated from the RAD, and in doing so we legally bound ourselves to accept the reduction of the Amusement Tax and the other tax changes that have been indicated.

I still believe strongly that overall, despite the fact that there are some bad sides, overall I think it is one of the more progressive things the State Legislature and the Commissioners have done, with Mayor Murphy's leadership this past year and a half, and others in creating the Regional Assets District. I think we will be better off for it as a region.

I am just really perplexed with the motivation regarding this resolution.

I will refer to Mr. Ricciardi for closing comments.

Mr. Ricciardi:

Thank you. First of all, let me state that the resolution clearly stated, those entities grossing one million dollars or more. So, the small movie houses such as the Rex Theatre on the South Side and the other one you mentioned would have not fallen into this.

Let me also state --

The Chair:

Mr. Ricciardi, only just on that point. As you know, because we have discussed this many times, you know very well that we have a Uniformity Clause in the State Constitution, and even if we wanted to we have no way of differentiating smaller individuals paying Amusement Tax versus big ones.

Mr. Ricciardi:

That is something we could have worked with our Law Department.

Let me also state that the record will clearly show that in 1993, and I have those minutes, that I raised this issue at the end of one of these meetings. At that time I stated that if Act 77 of 1993 passes that I would expect to see and hope to see a similar reduction in admissions on tickets because we would be asking for less money.

So, I raised this issue a year ago and the record shows that.

Colleagues, again, thank you for your consideration and thank you for this time.

The Chair:

Roll call vote on the resolution.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Ricciardi
Mr. Smith

AYES 2 NOES 5

VOTING NO:

Mr. Cohen Mr. Onorato
Mr. Cusick Mr. Ferlo
Mr. Hertzberg (Pres't)

AYES 2 NOES 5

(MR. O'CONNOR ABSTAINING)

And a majority of the votes of Council not being in the affirmative, the bill was defeated.

The Chair:

The bill fails.

Other discussion?

Is there a motion to approve the Minutes?

MR. HERTZBERG moved to approve the Minutes of Tuesday, October 11, 1994.

MR. CUSICK seconded the motion.

Which motion prevailed.

And on the motion of **Mr. Cusick**

Council adjourned.

(BEGINNING - MR. HERTZBERG'S COMMENTS ON BILLS NO. 1112 AND 1113)

Mr. Hertzberg:

That current payroll system, when was the last time it was upgraded?

Mr. Schmitt:

The current payroll system was developed by City Information Systems. It was a home-grown system and we developed it ourselves with the cooperation of many departments including the Finance Department and it is at least 15 years old. It is very good at what it does but the industry and the people who developed the system are still currently employees of the City of Pittsburgh and they're very good at what they do. The major problem is the technology and the way that industry collects time and processes paychecks has changed dramatically over the last ten years and it's time for the City to get on that bandwagon.

Mr. Hertzberg:

Would you say we're a little bit behind the state-of-the-art in payroll systems?

Mr. Schmitt:

I would say so.

Mr. Hertzberg:

You are taking a look at every kind of software that we're currently using and hardware that we're currently using in the city with the legislation that's in front of us. The big picture is the same everywhere throughout the city if I'm not mistaken and everything is extremely aged. When you compare where we are with where most private sector companies that are this intensive in information we're in the Dark Ages.

Mr. Schmitt:

Absolutely.

Mr. Pokora:

The system we're looking to bring into the City of Pittsburgh which we have talked about would be -- we would prefer is a paperless system and in the Controller's Office we

see that as a very big plus in actually speeding up processing of payments to vendors and people who do business with the City of Pittsburgh therefore enhancing the possibilities of opening up that field there. It would also streamline our process down in the Controller's Office for reporting. We can report on a quicker time basis to Council the revenues and expenditures but most importantly it's going to bring us now to a lower line of reporting so that Council when it makes its deliberations on different projects and we're talking recently about the tow pound, the asphalt plant being sold, what exactly are the costs associated with those? We can't give that to you now. We can give you a ballpark figure but with the new system we can go down to the exact penny of what everything costs, what are the revenues generated by the specific parts of the City of Pittsburgh and how we can implement new procedures to enhance those.

Mr. Schmitt:

This is in no reflection of the staff of CIS. They understand where we are today and they are very excited and anxious to move into the 20th Century when it comes to technology. I think the policies that were set forth prior were based on proprietary systems. A lot of corporations, a lot of organizations based their computer strategy on propriety systems and today we're moving to an open environment where there is multi- vendors that could be in one shop. Prior to that there was only one hardware and software vendor. The City Information Systems understands that, the employees understand that and they are quite willing and excited about moving into this new area and they have qualifications to do that. We just need to set the policies and procedures in place today to get them up to speed on this new technology.

Mr. Hertzberg:

I know you yourself come from a background in the private sector and if you compare private sector corporations or whatever organizations and you know the amount of money that comes in and goes out of the city and with the business that we're in, I'd said we're more intensive in the information and financial end of it and have a greater need to be updated than almost any organization that's out there.

Mr. Schmitt:

I couldn't agree more.

(END OF COMMENTS)
PREPARED BY: MARY ANNE HRUSKA
STENOTYPE REPORTER

(BEGINNING - MR. HERTZBERG'S COMMENTS ON BILL NO. 1114)

Mr. Hertzberg:

Director, can you elaborate on this? As I understand what we are going to try to do here is sell a little bit of our used computer equipment and establish a fund for the monies that we obtain.

Mr. Schmitt:

Correct. The total re-engineering process that we hope to do in the financial management systems, we hope to add about 600 PC's to city operations. We hope to eventually eliminate all of the Honeywell Bull terminals and Level Six computers which are the office automation computers today. We need a mechanism to take those systems out of service and then sell them and we just feel based on principle that we should be using money that we spend on old technology to spend money on new technology and the money that we are looking to get from this selling of old equipment is $10,000 to $20,000 a year for the next three years. The resale value of this equipment as the computer industry is, it is very little.

Mr. Hertzberg:

There is a market for almost every piece of hardware. It's almost like the automobile salvage market. There are people that will take almost anything and be able to reuse it in some capacity although they don't pay top dollar.

Mr. Schmitt:

We will sell terminals and they will tear them apart for materials.

Mr. Hertzberg:

What's currently going on with our equipment when it is taken out of service?

Mr. Schmitt:

It goes to the General Services garage and it's sitting there right now. It might go to public auction, I couldn't

speak with all detail on that but I think it goes to public auction.

Mr. Hertzberg:

Okay.

(END OF COMMENTS)
PREPARED BY: MARY ANNE HRUSKA
STENOTYPE REPORTER

MUNICIPAL RECORD

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Municipal Record

ONE-HUNDRED TWENTY-EIGHTH COUNCIL

JIM FERLO.....President
LINDA M. JOHNSON-WASLER.....City Clerk
KURT J. SALAC.....Asst. City Clerk

Pittsburgh, PA
Tuesday, October 25, 1994

PRESENT:

Mr. Cohen	**Mr. Onorato**
Mr. Cusick	**Mr. Ricciardi**
Mr. Hertzberg	**Mr. Smith**
Mr. O'Connor	**Mr. Ferlo (Pres't)**

The Chair:

City Council's Legislative Session is now in order.

Would you all please rise for the Pledge of Allegiance and would you please remain standing for a moment of silent prayer so that we may have peace throughout the world.

We are very honored and pleased to have two young people here today from Linden School; they are both 5th Graders. We have Anastasia Bole, and here nickname is Stacey, and we have a young man here, Brad Ford; their moms are here, Tracy Ford and Jane. I know Jane from Ritters in the morning. Welcome. I am pleased that you are here. They are from Councilman Cohen's District. They will lead us in the Pledge of Allegiance.

Anastasia Bole & Brad Ford:

I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one Nation, under god, indivisible, with liberty and justice for all.

The Chair:

Thank you. Stacey and Brad, we want to give you the flag of our City and the flag of our nation and it is presented by our City Clerk. Thank you very much for coming down here today. We appreciate it.

PRESENTATIONS

The Chair:

We have a lot of guests. We are going to move quickly to the proclamations, but I would like to at least recognize we have the Honorable Jay Costa, Jr., here in the audience today, our Register of Wills. We want to say, good morning and hello. We have the Honorable Mike DellaVecchia here also, the Recorder of Deeds. We have Mr. Flaherty, the Honorable Tom Flaherty, our City Controller, who has been in these Chambers quite a few times. We also have Dean George Warner here I thought I saw out in the audience from the Episcopal Diocese. Good morning. Father Edward Bryce, the Pastor at St. Bede's is here for one of the proclamations. We want to welcome all of you to our Chambers. Although Congressman Coyne is not here, I do see Jamie Rooney out there, who is no stranger. Welcome, good morning and good luck to Congressman Coyne.

At this time I would like to go a little bit out of order because of scheduling, calling on Councilman Ricciardi and Councilman Smith and then we will return to Mr. Cohen. Gentlemen.

Mr. Ricciardi:

Thank you, colleagues. Councilman Smith and I are very proud and honored to give the following resolution.

We would like to ask Reverend Black and Catherine Henderson's special guests if they could escort Ms. Henderson to the front of the room, please. Thank you.

The Chair:

Reverend Black, good morning; I did not know your credentials or I would have introduced you that way.

Mr. Ricciardi:

Good morning, Catherine; if you could stand next to Councilman Smith, please. Later we are going to ask you to introduce all your special friends today. Thank you.

Thank you, Mr. President, for the courtesy of allowing us to go first. On that note:

MESSRS. RICCIARDI AND SMITH PRESENT

No. 1177 WHEREAS, Catherine Henderson has shown great concern for the Veterans and their families and commitment to all programs of the American Legion Auxiliary by providing services from a departmental to a national level; and,

WHEREAS, Catherine Henderson's responsibilities include serving on the following: Sportmen's Unit 913 for 43 consecutive years, holding several elected offices; the Allegheny Council in which she was elected to numerous positions such as Sergeant at Arms, President and Chairman; a counselor and a member of the staff at Keystone Girl's State for the past fifteen years; Delegate to Department and National Security; a member of Salon 180 Northumberland County Eight and Forty; and participated on the Veterans Council Committee for the late Senator John Heinz and Senator Harris Wofford to screen candidates to various Military Academies; and,

WHEREAS, Catherine Henderson is currently a candidate for President of the Department of Pennsylvania American Legion Auxiliary for the year 1994-1995.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh hereby congratulates Catherine Henderson on the service she has provided to the various programs of the American Legion Auxiliary; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh declares Saturday, October 29, 1994 as CATHERINE HENDERSON DAY in the City of Pittsburgh.

SPONSORED BY COUNCILMAN CHRISTOPHER SMITH AND COUNCILMAN GENE RICCIARDI

Mr. Ricciardi moved to adopt the resolution.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

Mr. Ricciardi:

Colleagues and members of the audience, as you can tell the resolution is very self-explanatory; that we have a very special here; a person that has dedicated many hours and many weeks and long efforts to the well-being of veterans.

On that note, I would like to ask Councilman Christopher Smith if he would present the resolution to Ms. Henderson, and then would like to ask Reverend Black and Ms. Henderson, also, to say a few words. Councilman Smith.

Mr. Smith:

Actually I am very honored because I think that it is important that we continue to support individuals who have given their time and effort to make this a better world.

So, thank you very much.

Ms. Henderson:

Councilman Onorato, and all other fellow Councilmen, it is in deed an honor and a privilege for me to be here today to receive this prestigious

award. I have served many hours within the American Legion Auxiliary and I am honored to have been elected to this high office that the State could afford.

Again, I would like to thank you. I won't elaborate on the programs because I do know that you have a lot to do today. Again, thank you very much.

The Chair:

Thank you.

Rev. Black:

To the distinguished Councilmen from this great City of Pittsburgh, I am glad to be here today as the State President of the Improved Benevolent and Protective Order of Elks of the World; I am also representing the Grand Exalted Ruler, the Honorable Dr. Donald Paul Wilson, the Grand Exalted Ruler of the Elks.

We want you to know that Ms. Henderson is not only a very hard worker in the American Legion, she is a hard worker in the Improved Benevolent and Protective Order of Elks of the World. She will be with us in Pottstown starting Thursday through Sunday when we have our conference, and we shall announce that in Pittsburgh on the 29th that is Catherine Henderson's Day in this City.

We thank you very much for this recognition, and we wish you God's speed in all of your endeavors. God Bless You.

The Chair:

Thank you all and congratulations. Thank you, Reverend.

Ladies and gentlemen, I apologize for not knowing their names but we are also very pleased to have here this morning the Deputy Mayor and several Council Members from our sister city Omiya, Japan, to my right here. If you would like to stand, and let's give them an applause and welcome them to our City. Welcome and thank you for visiting our City; we know you have been here in the past, and we look forward to your return also. Thank you very much for being here this morning.

At this time I am pleased to call on Councilman Dan Cohen.

Mr. Cohen:

Thank you, Mr. President.

The Chair:

Thank you, Mr. Cohen.

Now we know why all the politicians are in the room by our next proclamation here.

Mr. Cohen:

Can we have the Interfaith Volunteer Caregivers come up here, please. Bill Seifert is coming soon.

The Chair:

Dr. Shore, good morning.

Mr. Cohen:

Members of Council, members of the audience, it is my distinct pleasure to be able to honor a very important group, relatively new group in the City of Pittsburgh. Pittsburgh is a City that takes care of its citizens, and many of our citizens are older adults, and this group called Interfaith Volunteer Caregivers serves older adults and helps them through the tasks that are a part of their daily lives, and for that reason I am very honored to present this proclamation.

MR. COHEN PRESENTS

No. 1178 WHEREAS, the Interfaith Volunteer Caregivers, established in march of 1991 with a grant from the Jewish Healthcare Foundation, is a network of churches and synagogues which mobilize, recruit and train volunteers to assist older adults; and,

WHEREAS, the Interfaith Volunteer Caregivers is a non-profit organization that trains volunteers to provide older adults with companionship, shopping, escorting and a variety of other services, which will improve their access to their community and enable them to remain independent and in their own homes; and,

WHEREAS, the Interfaith Volunteer Caregivers Program, which exists in 400 other communities throughout the nation, works closely with other community groups and social service agencies and is affiliated with sixteen different congregations in the City of Pittsburgh; and,

WHEREAS, on Tuesday, October 25, 1994, at 7:30 p.m., at the University Club, the Interfaith Volunteer Caregivers will formally recognize and honor Dean George Werner and Rabbi James Gibson, the two co-chairs of the Steering Committee which formed the basis for the organization of the network assisting older adults in Allegheny County.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh commends the Interfaith Volunteer Caregivers and particularly Dean George Werner and Rabbi James Gibson for their contribution and dedication to improving the lives of senior citizens in the City; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh declares Tuesday, October 25, 1994 to be Interfaith Volunteer Caregivers Day in the City of Pittsburgh.

MR. COHEN moved to adopt the resolution.

MR. ONORATO seconded the motion.

Which motion prevailed.

Mr. Cohen:

Thank you very much. As I said, this is a terrific organization, non-denominational; it is a network of churches and synagogues that help older Pittsburghers, I guess, older Allegheny Countiers, not just Pittsburgh, and we are so proud and honored to have you here today.

I would like to, first of all, have Barbara Shore come up to speak about the group, and then honor our two honorees with proclamations. Barbara Shore.

Dr. Shore:

Good morning, and thank you so much, Councilman Cohen, and all of you for this lovely reception.

Our organization is young, as Dan has said, but has made its mark and it hopes to make its mark considerably more in the years ahead.

Councilman Cohen mentioned that there are 16 City churches and synagogues involved, but there are, overall, in Allegheny County, 33 and still growing. We keep recruiting new churches and synagogues. What happens with those is that as we recruit them; they in turn designate a volunteer coordinator, who in turn recruits volunteers. We train, we the IVC, train the volunteer coordinators and provide ongoing support services and they in turn train the volunteers who provide the range of services that are mentioned.

We think it is not only a marvelously exciting program, particularly in our area where there is such a preponderance of older people, but it also really gives way to the marvelous volunteer spirit of our area, of our City, our County and our region and is a wonderful way of people reaching out to each other to help each other and enable each other to live with the greatest quality of life and the greatest dignity of life throughout their lifetime.

So, we thank you very much and we are delighted to be here.

The Chair:

Thank you, Barbara.

Mr. Cohen:

Thank you, Barbara. Barbara is the President of Interfaith Volunteer Caregivers, and along with Dr. Shore we have with us Millie Sucov, who is the Executive Director.

Let me introduce the others, too, and then we will have Millie say a few words and then our honorees. We also have with us Cathy Newmyer, who is the Program Assistant. Thank you, Cathy. Estelle Mann and Claire Klein, who is also a good friend of our family's, and Milton and Bernice Sniderman, who are also volunteers. Thank you so much for being here. Did I miss anybody other than the honorees.

Millie Sucov, the Executive Director.

Ms. Sucov:

I just wanted to add a word about a specific project that we are starting this year that I would like you to know about and hopefully support. IVC is, in addition to recruiting adult volunteers through the congregations, starting a new program called the Youth Corp. We want young people to learn that service to older adults is a very meaningful activity, and we want older adults to receive services in the winter, such as shoveling snow, salting the walks and taking out trash on cold days. This morning I felt a bit of snow in the air and I thought "my, gosh, we're right on target".

We really hope to develop a network of young people who are assigned to older adults, that think, automatically, "it snowed last night, I'm going to shovel the snow for that person". We think that is a very exciting new addition to our general program.

I brought some brochures which I will leave here, I hope will be distributed to the Council people. Thank you.

The Chair:

Thank you very much.

Mr. Cohen:

Thank you. Dean George Werner is the Dean of Trinity Cathedral; Rabbi Jamie Gibson is the Rabbi of Temple Sinai, both of whom are going to be honored this evening for putting this whole group together. Congratulations to both of you. This is for you. Congratulations. Rabbi, congratulations. Please say a few words.

Dean Werner:

My word is that my co-chair Jamie Gibson is really sacrificial and idealistic because he has got a few years to need this service. I had much more of a self-interest in it than he did.

I just accept this on behalf of Ron Riffle and Barbara and so many other people who have made this possible, Karen Feinstein and others, and in behalf of all of them I accept it. Thank you.

The Chair:

Thank you, Dean.

Rabbi Werner:

I just want to add that the partnership and the friendships that have grown out of this group have really made it worthwhile in and of itself, but we are fulfilling a religious mandate, one talked about in Leviticus, where we are told to rise before the aging and venerate, the face of the old, and we do that every day that we call, every day that we visit, and we know in this City and one of the things that people fear more than dying is being alone and none of us wants to have that happen and that's why we're here. Thank you.

The Chair:

Thank you, Rabbi.

Mr. Cohen:

Thank you all very much.

The Chair:

Thank you all. Rabbi, my apologies for not recognizing you in the audience this morning.

Councilman Cusick.

Mr. Cusick:

I was recently at a meeting of Three Rivers Management Labor Organization and I was very surprised to hear that Dean Werner will not be sitting on that committee any longer because he was bestowed such an honor, and if you would, Dean, I would appreciate it if you would share with the rest of us in allowing us to know.

Dean Werner:

Those of you who are in politics know that with every election a cloud comes with a silver lining. I was elected at the recent general convention of the Episcopal Church to a position. We are, basically, a Senate and a House of representatives, with the Senate being the House of Bishops and the House of Representatives taking all the interests of the piety, the deacons and the priests of the church; and, in effect, I have been

elected the head of the House of Deputies, who are First Priests in the Country.

So, it is an honor, I think, for Pittsburgh because the work that has been done in Pittsburgh had a lot more to do with it than George Werner, but thank you for bringing that up.

The Chair:

Congratulations. Thank you. Thank you all and congratulations.

At this time I am pleased to call on Councilman Cusick.

Mr. Cusick:

Mr. President, this can be read into the record.

MR. CUSICK PRESENTS

No. 1179 WHEREAS, the Brookline Chamber of Commerce has been active in bettering the community of Brookline in the City of Pittsburgh for many years; and,

WHEREAS, Mr. Bob Kuss has served as President of the Brookline Chamber of Commerce for the past two years and through his dedication to the business community, the neighborhood and the residents of Brookline was instrumental in fund-raising and developing programs for the Chamber and benefiting the Brookline community at large; and,

WHEREAS, Bob Kuss has done an excellent job promoting neighborhood and community events and especially activities that benefit the children of Brookline; and,

WHEREAS, on Wednesday, October 26, 1994 at 6:30 P.M., Bob Kuss will be honored at a dinner held by the Brookline Chamber of Commerce for his 2 years as President of the Chamber and for his many years of to the Brookline community.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh hereby acknowledges and commends Bob Kuss and the Brookline Chamber of Commerce for their years of service and dedication to the residents of the City of Pittsburgh.

MR. CUSICK moved to adopt the resolution.

MR. SMITH seconded the motion.

Which motion prevailed.

The Chair:

At this time I call on Councilman Hertzberg and Councilman Onorato.

Mr. Hertzberg:

Is there anyone here from the Postal Employees?

The Chair:

Yes, we do have Postal Employees in here. Actually I see the Letter Carriers Union. Do we have the Postal Workers Union here also?

Mr. Cohen:

Where are their instruments.

Mr. Hertzberg:

I think everyone takes for granted what goes on when they get a piece of mail, but there are a lot of people behind the scenes and also people that you see walking around every day delivering your mail, and I think this resolution tries to mention everyone involved, and let me read it.

MESSRS. HERTZBERG AND ONORATO PRESENT

No. 1180 WHEREAS, Pittsburgh District Letter Carriers take great pride in the collection and delivery of the mail. Letter Carriers are active in community projects such as "carrier alert" where they keep a watchful eye on the senior citizens and disabled. "Carriers Caring for Children" is a program designed to make children aware that the letter carrier is a friend who can help in an emergency situation; and,

WHEREAS, Mail Handlers are the unseen backbone of the Post Office. They work in factory-like mail processing centers, unloading

trucks, running machines that sort the sacks, canceling stamps on letters and moving mail to its proper stations. Last year, Mail Handlers moved 171 billion pieces of mail nationally and helped keep the U.S. Postal Service the most efficient and least expensive mail system in the world.

WHEREAS, Rural Carriers deliver and collect all classes of mail in rural communities. They are often referred to as a post office on wheels, selling stamps, money orders and providing other postal services to the patrons on their routes.

WHEREAS, Clerks process all the mail entering and leaving the Post Office and provide administrative support. Post Office clerks are often complimented for their friendliness and eagerness to provide prompt, knowledgeable and courteous service.

WHEREAS, Postal Maintenance Personnel maintain all structures and processing equipment, and provide a clean and safe environment for employees and customers alike.

WHEREAS, Motor Vehicle Operators, Mechanics and Transportation Employees "keep the fleet on its' feet" and transport the mail between postal facilities at all times of the day and night; and,

WHEREAS, Post Supervisors monitor the processing and delivery of mail to ensure quality service to Pittsburgh residents and surrounding counties. Administrative Office Supervisors provide a network of free services to the public and business community.

WHEREAS, the Postal Police enforce postal service rules and regulations on postal property, and enforce laws enacted for the protection of persons and property. Postal Police respond to robberies and burglaries at post offices, various medical emergencies and provide convoy and escort service for high-value shipments.

WHEREAS, Postmasters are responsible for keeping customers and employees informed about postal issues and products. In many cases, Postmasters are the one and only connection customers have with federal government postmasters.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh gives recognition to employees of the U.S. Postal Service for their dedication to providing the highest quality of service to the residents of the City of Pittsburgh.

SPONSORED BY COUNCILMAN ALAN HERTZBERG AND COUNCILMAN DAN ONORATO

MR. HERTZBERG moved to adopt the resolution.

MR. COHEN seconded the motion.

Which motion prevailed.

Mr. Hertzberg:

Thank you. We have a number of officials here from our local post office and the Postmaster himself.

Mr. Hodges:

Thank you. It is in deed an honor to accept this proclamation today on behalf of the U.S. Postal Service.

While it is our intent to be your communication company of choice, it is also our intent to be the neighbor in the community with the local post offices. It is also our intent to be a friend to each Pittsburgher; it is our goal, our mission to make Pittsburgh or continue to make Pittsburgh the best City in America. Thank you.

The Chair:

Thank you.

Mr. Gavik:

Thank you. I am Jim Gavik, the Executive Vice President of Branch 84 Letter Carriers. On behalf of my President, John Natoli and all the Letter Carriers of Pittsburgh, I want to thank the Councilmen for this proclamation.

We are proud to serve in this great organization, all the craft employees, including supervisors and managers, tend to work to make this a greater organization.

I can only echo what I heard the Reverend Black say a little bit earlier about the great City of Pittsburgh. I would probably border on being obnoxious when it comes to the City of Pittsburgh when my out of town guests come into Pittsburgh because I just love this City, and it is people like you in this room who make it that way; I can see the proclamations going on today that we are proud to serve, we are doubly blessed.

I recognize Jamie Rooney out in the audience. Those of you may or may not know that we have a Letter Carriers' Band, that we march, and we are honored to have Congressman Coyne march with us on every Labor Day. So, next Labor Day please look out for Letter Carriers' Band.

We will proudly display this proclamation, by the way, in our trophy case. We are very, very grateful. On behalf of all the employees, thank you.

The Chair:

Thank you.

Mr. O'Connor:

Mr. President.

The Chair:

Councilman O'Connor.

Mr. O'Connor:

I know it is maybe sometimes unpopular because of all the criticism you people have been taking, especially in Chicago, but I know I brag about my Postal Service; I get letters within -- I know they are mailed from parts of Allegheny County in the afternoon and I get it at noon in my home, and I have never had -- I have lived in my home 22 years, never -- had the utmost but the best Letter Carriers and the friendliness service.

I just want to congratulate all of you and I know you take some negatives, but I do not think you deserve -- you deserve much more praise than some of the negative advertisements coming out about Jed Newsome. Thank you for coming down.

The Chair:

Thank you. If anybody have any doubts about that they should live in Europe or a Third World Country, if they do not appreciate the Postal Service here in the United States.

At this time I am very pleased to call on Councilman O'Connor, who has a proclamation on behalf of himself and all Members of Council. Our elected officials are welcome to join us up here.

Mr. O'Connor:

Yes, really we have quite an honor having Bill Seifert with us. Bill, will you come up with your family, and I would like all the elected officials to come up here. I know we have Jamie Rooney; he's from Bill Coyne's Office, Michael DellaVecchia, and Kevin Shields is here from Jean Milko's Office. Kevin, would you come up.

The Chair:

I apologize, I forgot about Kevin.

Mr. O'Connor:

Jay Costa. Valerie McDonald, the President of the School Board is here. Tom Flaherty. We even had your priest show up for this, Bill; Father Bryce is here. Who else are we missing.

The Chair:

I have to say "hello" to our School Board President, Valerie McDonald.

Mr. O'Connor:

Yes, Valerie is here. Tom Christ from Local 12 and Carl Vitti from Nabisco, and I see Ray Werner -- is Ray here? Come on up, Ray. Ray is a fellow board member of St. Francis with me; he is probably the top advertiser in Pittsburgh, and also now you have the distinction but I did not realize, he is your next door neighbor, Bill?

Mr. McGriff is the Commander of the 35th District. Bill's family is here. I am sure he will have a few words, so I will try to be brief. He is really anxious.

The Chair:

Brother Walsh is here.

Mr. O'Connor:

Brother Walsh.

MR. O'CONNOR PRESENTS

No. 1181 WHEREAS, after fifty years of service as an employee at Nabisco Brands, Inc., Bill Seifert was honored for his dedication and unequaled attendance record by the East Liberty bakery; and,

WHEREAS, Bill Seifert reported to work daily, regardless of weather of personal health conditions. Indeed, the only time he missed a day of work was when he fought for his country in the Korean War and to attend his mother's funeral; and,

WHEREAS, Bill Seifert began his career with the National Biscuit Co. in 1944 at the age of 16 working I n the plant's warehouse and at the age of 27 met his wife, Theresa, who was working in the shipping department; and,

WHEREAS, when Nabisco-Standard Brands Corp., proposed closing the plant in 1982, Bill Seifert's impassioned defense of the operation at a community meeting added to the pressure which resulted in a reversal of the decision; and,

WHEREAS, Bill Seifert was not only a model employee, he also devoted h ours to his neighborhood, serving as a Committeeman for 24 years, as Vice Commander of the American Legion, District 25, and was an Eagle Scout.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh congratulates Bill Seifert for compiling an exemplary record as an employee of Nabisco and citizen of the City of Pittsburgh and wishes him much success in his further endeavors; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh hereby declares Tuesday, October 25, 1994, as "BILL SEIFERT DAY" in the City of Pittsburgh.

SPONSORED BY COUNCIL MEMBERS BOB O'CONNOR, DAN COHEN, JOE CUSICK, JIM FERLO, ALAN HERTZBERG, DAN ONORATO, GENE RICCIARDI AND CHRISTOPHER A. SMITH

MR. O'CONNOR moved to adopt the resolution.

MR. CUSICK seconded the motion.

Which motion prevailed.

Mr. O'Connor:

Congratulations, Bill. Do you want to come up first or -- maybe we will save him for later.

Mr. Seifert:

Yes, Father Bryce will come up.

The Chair:

See, Billy knows where to go first. Let's get the pastor here first.

Father Bryce:

It is always nice to be able to speak to the -- and give a character reference for one of your parishioners when we are before City Council instead of the court, but I am really delighted that Bill is being honored. Bill is someone that I see regularly, which is the way it is supposed to be, but I see Bill more than regularly because for every time we put out a call for help, like with the Appalachian Clothing Drive, or any of the works around the church, Bill is there, and it is almost because we are fortunate living out on the East End, you can go out on the lawn and on a nice, clear day you know that wonderful smell of the cookies and you know that Nabisco is working, and we are kind of sure of that because of Bill and people like him who are serious about their work and consistent and they persevere. Those are pretty good virtues for all of us to follow and to model and, Bill, you have given us a good lead. God Bless You and all who are here.

The Chair:

Thank you, Father.

Mr. Seifert:

Dan. Councilman. He is my Councilman in the Point Breeze area.

Mr. Cohen:

Thank you very much. It is such a pleasure to be part of this tribute to Bill Seifert. Bill is a model and an example for us all, not only for this attendance record, which is unparallel, but also just because he is a good man and he is somebody who really contributes to his community. I think it is probably every other week or so that you call me about a different charitable cause, a different project. "Paint Your Heart Out," for example, you pointed out a house in our district that needed to be painted and Bill organized it. It is just a pleasure and an honor, and I think I am one of the few people in this room that can proudly say that I'm one of Bill Seifert's constituents because he is my Democratic Committeeman.

Congratulations, Bill.

Mr. Seifert:

Thank you. I want to call up our Plant Manufacturing Manager Carl Vitti. Carl.

The Chair:

Good morning, Carl.

Mr. Vitti:

I would just like to thank the City Council and the City of Pittsburgh in honoring Bill. Bill is one of our -- exemplifies what our employees are all about. He has done such a fine job for us in all these many years. Like Father Bryce says, he does a lot more for the community, and he is just a good person, and we love Bill at Nabisco. Nabisco has been part of Pittsburgh and the East End since 1917, and we are happy to be part of the family of the City of Pittsburgh.

Billy, thank you again.

Mr. Seifert:

I want to call up Tommy Christ; he is our Local Vice President for Local 12 Bakery and Confectionery Workers.

Mr. Christ:

Well, there is not too much left to say about Billy. Billy is always the first one there to help somebody when they need a hand; he is a good guy, Nabisco 50 years. It is hard. The guy is just an all around good guy. Thanks, Billy.

Mr. Seifert:

Good. Okay, John.

I belong to the American Legion, and you know we honored Ms. Henderson from the American Legion. So, I am going to call our District Commander of the 35th District. We have 25 posts in the City of Pittsburgh and one of the finest there is is Okley McGriff. Okley, say a few words.

Mr. McGriff:

It is quite a surprise for me to come here today, especially I knew I was to come to one affair but I did not know I had two engagements there.

I can say one thing about Bill Seifert. Any time I need a certain person or anybody to go somewhere where everybody else has refused, I can always call Bill Seifert and he will go. So, I know by that record he is a good employee; he has put in 50 years there, he will be there until. Thank you very much.

Mr. Seifert:

I am just going to recognize all my good friends. My friends Valerie McDonald, my School Board Member, and Jay Costa, Register of Wills, a good friend of mine, and Michael DellaVecchia, Recorder of Deeds, Kevin -- where's Kevin, I don't see you. Kevin from Jean Milko's Office. Jean is a good, very dear friend of mine. All my good Councilmen there. Dan Onorato and Joe Cusick -- and who else here. Chris Smith, he's a good friend.

The Chair:

Don't forget Mr. Flaherty now.

Mr. Seifert:

Yeah, Tom Flaherty. Tom is my Controller, I worked for him for quite a bit. I have -- oh, Jamie Rooney, yeah. Jamie Rooney is back here. There he is, Jamie. Councilman Coyne, he said he would be here. Who I have --

Mr. O'Connor:

Hertzberg.

Mr. Seifert:

Hertzberg I see, I'm talking to him on Friday. Did I miss anybody? I have all my family here.

The Chair:

I think your State Senator, your State Rep.

Mr. Seifert:

That's all my family. My brother Richard, great Notre Dame fan. Barbara. Barbara Workmaster. Who else do I – oh, my son Jerry. Yeah, Jerry. He is back there. He is back there. Jerry. Jack, my brother, brother-in-law -- I mean sister-in-law and brother-in-law Kevin.

I just want to say today -- and my sister Rosemary Smith. They are from each district. I bet you everyone of these Councilmen has got a vote here in each district. Everyone is from a district here. I don't want to take all your time. My friend Jimmy Ferlo. I worked on him many occasions. I worked on to save the bread bakery. He's one of the finest. I want to salute my Legionnaires of the 35th District. They're my best friends. I work with Okley. I'm just glad to be with her, Henderson. To all their good friends.

Today we're declaring "Bill Seifert's Day" but we declare "Nabisco Day". We been at Nabisco -- and Bob O'Connor I see. My dear friend Bob. I forgot him. He's a great guy. You're great. All these Councilmen are great. The Mayor said he was going to come but he was busy, but it's a great City and all our good friends.

We declare today "Nabisco Day". We're going to pass out – later on we're going to pass out some famous Chocolate Chip. It's the second best Chocolate Chip in the Country. Oreos is number one. We brought some Ritz Crackers. Is the World's best cracker, made by Pittsburghers. Good union people.

The Chair:

Yeah.

Mr. Seifert:

Made by Pittsburghers. That bakery out there, we've been out there since 1917. We were down in Forbes five years before that, and you know it is so good we have over 480 employees. 480 employees. They're all good workers. Buy Pittsburgh products. We brought some of it down, we want to pass it out, give all the Councilmen and all their help.

So, I just want to just say "thank you" for all the Councilmen. Here we go. That's the Chocolate Chip, the famous one. Where's the Ritz at. Get a bundle of Ritz. Our famous Ritz Cracker. You know that cracker is the World wide cracker today. It's the World wide best cracker.

I want to just salute all the City Councilmen and the City of Pittsburgh, what a great City, and for the Veterans group here with us. So, I just want to say, just thank you, thank you for the nice award and for the salute to us. Thank you. I have all my people here. Thank you very much. There you go.

My good friend, my neighbor over there. He's my neighbor.

The Chair:

Billy, you really got to learn to speak up, you know that.

You forgot to mention there's 76 chips in every cookie, by the way.

Mr. Seifert:

That's right. That's right. Yeah.

The Chair:

Okay, Billy. Thanks.

Mr. Seifert:

Thank you, Jimmy. I worked with Jimmy for everything there is, the Giant Eagle project; every project we had a snack; he worked hard. There you go, Jimmy. I worked your butt off. We didn't forget you, boy.

The Chair:

I know. Thank you.

If that isn't down-home Pittsburgh, I don't know what is. Thank you, Bill, and congratulations, and we hope Nabisco is here for another hundred years.

Mr. Cusick:

Everybody put them on your desk like this.

Mr. Hertzberg:

I'm getting hungry now.

The Chair:

We want to thank you for the gift, and we want to note that it's under the $100.00 limit of the Ethics Act.

Thank you all; we appreciate your hospitality also. Congratulations to Bill Seifert, it is well deserved.

At this time, if we can have order in the house, I would like to call on Councilman Smith, who has a proclamation. Councilman Smith.

Mr. Smith:

Deacon Hortman. Deacon. Deacon Hortman is going to accept on behalf of Mt. Ararat Baptist Church. Welcome to our Chambers.

The Chair:

Reverend Prentice -- good morning, sir. Councilman Smith.

MR. SMITH PRESENTS

No. 1182 WHEREAS, on Sunday, October 30, 1994, the Mount Ararat Baptist Church will celebrate its 88th Church Anniversary; and,

WHEREAS, the Reverend Marshall Prentice of Zion Baptist Church, Baltimore, Maryland will be the guest speaker at the 7:30 a.m. and 10:45 a.m. worship services. All members of Mount Ararat Baptist Church with 44 or more years of service will be honored; and,

WHEREAS, the theme for this auspicious celebration is, "We've Come This Far by Faith, 88 Years of Magnificent Memories"; and,

WHEREAS, the Mission and Ministry of Mt. Ararat Baptist Church to the citizens of their community for more than eight decades appropriately affirms that it is as strong and determined as Mount Ararat, the rock which held Noah's Ark.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh congratulates and joins in the celebration of the 88th Anniversary of Mount Ararat Baptist Church, and declares Sunday, October 30, 1994, as the Mount Ararat Baptist Church Day in the City of Pittsburgh.

MR. SMITH moved to adopt the resolution.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

Mr. Smith:

Congratulations. Please.

Deacon Hortman:

Thanks. On behalf of our Chairman of the Deacon Board, Thomas Spencer, I would just like to say thank you very much to City Council for this plaque. We have been in the City a long time and we plan to continue to stay here, not only to do God's work but to also do work in the community, and we would just like to thank you for this honor.

The Chair:

Thank you, Reverend, very much. Reverend, we would like to thank you and all your parishioners for the tremendous dedication with the major reconstruction of a beautiful church facility on the avenue, and it is a tremendous welcoming site, and I think all of you are to be commended for the commitment, financial and otherwise that you have made to the community and we want to applaud you for that. Thank you.

At this time I would like Dorcas to come up from the Attorney General's Office. How are you doing , Dorcas.

Members of Council, I would like to move the following resolution.

THE CHAIR PRESENTS

No. 1183 WHEREAS, on October 27, 1994 the Pennsylvania Office of Attorney General, Bureau of Consumer Protection, will be sponsoring a "Help Fair" in recognition of National Consumer Week in the lobby of the City County Building; and,

WHEREAS, the purpose of the "Help Fair" is to provide consumers with information and materials explaining the wide range of consumer services available to the public; and,

WHEREAS, over thirty government, social service and non-profit agencies will be participating in the "Help Fair" assisting the public with valuable consumer tips.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh hereby recognizes the efforts of the Pennsylvania Office of Attorney General, Bureau of Consumer Protection, in assisting consumers by protecting them from fraud, misrepresentation and product misinformation.

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh hereby proclaims October 27, 1994 to be "Help Fair" Day in the City of Pittsburgh and urges residents to participate in and take advantage of these valuable consumer services.

MR. COHEN moved to adopt the resolution.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

The Chair:

Thank you very much. I think the resolution is self-explanatory, and we have Dorcas Turner here, an old friend; she is an agent with the Office of the Pennsylvania Attorney General, the Bureau of Consumer Protection, and I would like for her to just maybe highlight some of the day's schedule and the activities. We want to thank you for organizing this important event, too.

Ms. Turner:

Mr. Ferlo, on behalf of the Office of the Attorney General, we thank you and City Council for commemorating the 13th Annual Consumer Education Week "Help Fair". This program, as you stated, will be held in the lobby on Thursday, October 27th from 10:00 to 3 p.m. We will also be conducting a Student Competition Program, which will be held here in City Council Chambers. Participants are students from four Pittsburgh high schools. The winners of the final will attend the finalist in Harrisburg. They will receive gifts. Whoever wins the finals will receive a gift for their schools. The public is invited to attend both programs. Thank you.

The Chair:

Thank you very much. I appreciate your efforts.

Thank you, colleagues.

At this time I would like to move directly to Presentation of Papers.

MR. CUSICK PRESENTED

No. 1184 Resolution providing for an Agreement or Agreements with a Consultant or Consultants for professional engineering and architectural services in connection with the rehabilitation of Phillips Park Community Center. Cost not to exceed $30,000.00.—**(SPONSORED BY JOE CUSICK)**

Which was read and referred to the Committee on Engineering and Construction.

MR. CUSICK moved to suspend Rule 8 by providing for consideration of the bill only until or after the calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

MR. ONORATO seconded the motion.

Which motion prevailed.

MR. ONORATO PRESENTED

No. 1185 Resolution providing for the issuance of a warrant in the sum of $22,500 to Edward J. Gillett c/o Edward H. Walter, Esquire, Jubelirer, Pass & Intrieri, 219 Ft. Pitt Blvd., Pittsburgh, PA 15222-1576, in full and final settlement of the action filed at GD93-049 alleging personal injury and property damage sustained due to an automobile accident at Mt. Pleasant Road and Colby Street on or about January 11, 1991.

Also,

No. 1186 Resolution providing for new and/or existing Agreement (s) and/or Contract (s) for the provision of analysis, design, development, programming, and/or training services in conjunction with the feasibility, development, enhancement or implementation of automated systems for various City Departments. Cost not to exceed $75,000.00.

Which were read and referred to the Committee on Finance.

The Chair:

Councilman Onorato for Mr. Ricciardi, both Committee on Water and Committee on Public Works. Thank you, Mr. Onorato. Mr. Ricciardi had to excuse himself for another meeting.

MR. ONORATO FOR MR. RICCIARDI PRESENTED

No. 1187 Resolution transferring the amount of Two Hundred Seventy Three Thousand ($273,000.00) Dollars from various Code Accounts within the Department of Public Works to other various Code Accounts within the Department of Public Works.

Also,

No. 1188 Resolution transferring the amount of One Hundred Ten Thousand ($110,000.00) Dollars from various Code Accounts within the Department of Public Works to other various Code Accounts within the Department of Public Works.

Which were read and referred to the Committee on Finance.

MR. ONORATO moved to suspend Rule 8 by providing for consideration of the bills only until or after the 8th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

Also,

No. 1189 Resolution granting unto the Civic Light Opera, The Benedum Center, 318 Oliver Avenue, Pittsburgh, Pennsylvania, 15222, their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, a double sided banner and two posts attached to the front of the building in the 2nd Ward, 6th Council District of the City of Pittsburgh.

Also,

No. 1190 Resolution granting unto the Union Electric Steel Corporation, 726 Bell Street, P.O. Box 465, Carnegie, Pennsylvania, 15106, their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, a fence encroachment across Woodkirk Street and in a portion of the right-of-way on Carbon Street in the 28th Ward, 2nd Council District of the City of Pittsburgh.

Also,

No. 1191 Resolution granting unto Integra Bank, 1550 Beechview Avenue, Pittsburgh, Pennsylvania, 15216, their successors and assigns,

the privilege and license to construct, maintain and use at their own cost and expense, a handicap ramp in a portion of the right-of-way at 1550 Beechview Avenue in the 19th Ward, 4th Council District of the City of Pittsburgh.

Also,

No. 1192 Resolution granting unto Overhead Door Company of Greater Pittsburgh, 5637 Butler Street, Pittsburgh, Pennsylvania, 15201, their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, a monorail overhead crane projecting over a portion of the right-of-way on Berlin Way in the 10th Ward, 7th Council District of the City of Pittsburgh.

Also,

No. 1193 Resolution changing the name of Ridge Avenue between 1300 and 1400 blocks of Ridge Avenue (from Chateau Street to Reedsdale Avenue) and the 700 block of Chateau Street (from Reedsdale Avenue to Ridge Avenue) to North Point Drive, located in the 21st Ward, 6th Council District of the City of Pittsburgh.

Also,

No. 1194 Resolution vacating a portion of George Way between Columbus Avenue and Lake Street in the 21st Ward, 6th Council District of the City of Pittsburgh.

Which were severally read and referred to the Committee on Public Works.

THE CHAIR PRESENTED

No. 1195 Resolution providing for a warrant in favor of Henry F. Jodzis, c/o Edward B. Friedman, his attorney, in the amount of $225,000.00 in full and final settlement of an alleged accident in the City of Pittsburgh on or about July 1, 1979.—**(SPONSORED BY MR. FERLO)**

Which was read and referred to the Committee on Finance.

Also,

No. 1196 Resolution authorizing the Director of the Department of Public Safety to grant a reward from the Graffiti Trust Fund in the amount of $500.00.—**(SPONSORED BY MR. FERLO)**

Also,

No. 1197 Resolution authorizing the Director of the Department of Public Safety to grant a reward from the Graffiti Trust fund in the amount of $500.00.—**(SPONSORED BY MR. FERLO)**

Which were read and referred to the Committee on Public Safety.

MR. SMITH moved to suspend Rule 8 by providing for consideration of the bills only until or after the 8th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

MR. ONORATO seconded the motion.

Which motion prevailed.

The Chair:

Specifically, on the issue of a law suit, I would like to ask, with Mr. Onorato's permission, that we meet in an Executive Session tomorrow at 10 a.m., prior to the beginning of the Standing Committee for possibly 10 or 15 minutes in the conference room.

Mr. Onorato:

So moved.

Mr. Smith seconded the motion.

WHICH MOTION PREVAILED.

Also,

No. 1198 Communication from Tom Murphy, Mayor, City of Pittsburgh, informing City Council of his appointment of Anthony Jonathan Ross as a member of the Public Parking Authority of Pittsburgh for a term to expire August 31, 1996.

The Chair:

This is an appointment that the Mayor can make unilaterally without our confirmation and the appropriate motion is to receive and file.

Mr. Hertzberg:

So moved.

Mr. Smith seconded the motion.

The Chair:

Thank you. Mr. Cohen, did you have a comment on this?

Mr. Cohen:

Is it appropriate to have a brief discussion on it?

The Chair:

Absolutely.

Mr. Cohen:

I just want to speak in favor of Mr. Ross' appointment. I know him; he is a very professional person, who I think would make a real contribution to the Pittsburgh Parking Authority, and I want to commend the Mayor for appointing him.

The Chair:

Thank you very much. The motion on the floor is to receive and file the appointment. All in favor?

WHICH MOTION PREVAILED.

The Chair:

Thank you.

UNFINISHED BUSINESS

The Chair:

Under Unfinished Business, are there any matters to be brought? I know, Mr. Cohen, you have some things on Cable, we can hold them at the end under Motions and Resolutions.

Mr. Cohen:

That is fine, Mr. President.

The Chair:

Under Special Committees. We did have a preliminary meeting of the committee that I formed in relation to reviewing government operations, specifically the Asphalt Plant, the skating rink in Schenley Park, the tow pound issue and the Downtown parking garage issue, and a couple of other issues came up. There will be a second meeting. Again, if you want to participate or if you want to designate someone from the private sector or from the community to sit on that committee, please communicate to me or to Mr. Keller.

I did appoint Mr. Ron Schmeiser to that committee; he is the President of the Commerce Associates, an old friend; he has got a lot of experience. Obviously, those of you who have been around City Hall know him previously in the Caliguiri Administration. He served in a number of capacities, both as the Finance Director; he actually was the administrator who helped to create the Parking Authority in the first place, as well as the Water and Sewer Authority. So, I thought, given his insight, it would be good to have him on this committee. So, he is willing to serve, and he will be attending the next meeting.

Again, we would like to have a broader committee, and Mr. Onorato is helpful in helping to convene this meeting. If there are others from the community you would like to appoint, I think we want to get a breadth of experience to review these issues.

Operationally the tow pound, I think you know my view about the need, as far as I am to prioritize, but we did get into a lot of discussion on the other issues.

So, please, if you would like to appoint somebody, please communicate ASAP to Mr. Keller.

Any other matter? If not, moving to Reports of Committees. Committee on Finance, Councilman Onorato.

Mr. Onorato:

Mr. President.

The Chair:

Thank you, Mr. Onorato.

REPORTS OF COMMITTEES

MR. ONORATO PRESENTED

Bill No. 1199

Report of the Committee on Finance for October 19, 1994, transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 1100

A Resolution entitled, "Resolution TRANSFERRING the amount of $30,000 from Code Account 2, Index Code 000208, Sinking Fund bond Maturities, to Code Account 1482, Index Code 148205, Miscellaneous Services, Department of Engineering & Construction, for the purpose of entering into a professional service agreement for architectural services associated with the addition to and renovation of the Community Center at Phillips Park."

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill? Mr. Cusick.

Mr. Cusick:

Mr. President, I would just like my comments be brought forward on Bill 1100.

(REMARKS -- SEE ADDENDUM)

The Chair:

Thank you. Other comments?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Smith
Mr. Hertzberg	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 7 NOES none

The bill having received the legally required number of votes passed finally.

Also,

Bill No. 1128

A Resolution entitled, "Resolution providing for the issuance of a $1,018.07 warrant in favor of Kim A. Bodnar in settlement of claim for automobile damage."

Which was read.

Also,

Bill No. 1129

A Resolution entitled, "Resolution providing for the issuance of a $890.49 warrant in favor of Michael Richards in settlement of claim for automobile damage."

Which was read.

Also,

Bill No. 1130

A Resolution entitled, "Resolution providing for the issuance of a $975.00 warrant in favor of Frank Embersit in settlement of claim for sidewalk damage."

Which was read.

Also,

Bill No. 1131

A Resolution entitled, "Resolution providing for the issuance of a $785.74 warrant in favor of James Van Steenberg in settlement of claim for automobile damage."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

The bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Smith
Mr. Hertzberg	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 7 NOES none

And there being two-thirds of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 1132

A Resolution entitled, "Resolution providing for the filing of a petition or petitions for the sale of certain property or properties, acquired at tax sales in accordance with Act No. 171 of 1984, 'Second Class City Treasurer Sale and Collection Act,' effective December 11, 1984."

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

The bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Smith
Mr. Hertzberg	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 7 NOES none

The bill having received the legally required number of votes passed finally.

The Chair:

I would like to welcome Mr. Cortese I see in the audience from National Development and recently had a serious operation. We are glad you are back on your feet. Welcome. Thank you.

MR. SMITH PRESENTED

Bill No. 1200

Report of the Committee on Planning, Housing & Development for October 19, 1994, transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 1006

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Nine, Zoning, Article III, Chapter 921, Section 921.02, Zoning District Map No. 12 and Map No. 17, by changing from "R2" Two-Family Residence District to "R3" Multiple-Family Residence District all that certain

property bounded by: Bartlett Street, Lot 234, Block 86-L in the Allegheny County Lot and Block System, the "R3" zoning district boundary line located east of Murray Avenue, 14th Ward."

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill? Councilman O'Connor.

Mr. O'Connor:

I would just like my comments brought forward on Bill 1006, and thank everyone, especially Council, and all those involved with the JCO expansion on Bartlett, and this will make a lot of hard work become a reality to an exciting project.

(REMARKS -- SEE ADDENDUM)

The Chair:

Thank you very much. Councilman Cohen.

Mr. Cohen:

I would like my comments brought forward on the same bill, Mr. President.

(REMARKS -- SEE ADDENDUM)

The Chair:

Thank you. I would like my comments brought forward on Bill 1006.

(REMARKS -- SEE ADDENDUM)

The Chair:

Other comments? Mr. Onorato, do you want your comments brought forward on 1006?

Mr. Onorato:

Comments, yes.

(REMARKS -- SEE ADDENDUM)

The Chair:

Thank you. Any other comments?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Smith
Mr. Hertzberg	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 7 NOES none

The bill having received the legally required number of votes passed finally.

Also,

Bill No. 1156

A Resolution entitled, "Resolution PROVIDING for the issuance of a warrant in favor of St. Margaret's Hospital, 815 Freeport Road, Pittsburgh, Pennsylvania, 15215, Division of Occupational Health, in the amount of One Thousand One Hundred Ninety-Two Dollars ($1,192.00) in payment for Hazmat/River Rescue physical examinations conducted on all specialty team members."

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

The bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen Mr. Onorato
Mr. Cusick Mr. Smith
Mr. Hertzberg Mr. Ferlo
Mr. O'Connor (Pres't)

AYES 7 NOES none

And there being two-thirds of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 1080

A Resolution entitled, "Resolution AUTHORIZING THE URBAN REDEVELOPMENT AUTHORITY OF PITTSBURGH TO SUBMIT AN APPLICATION FOR FINANCIAL ASSISTANCE IN THE AMOUNT OF $600,000 TO THE PENNSYLVANIA DEPARTMENT OF COMMUNITY AFFAIRS FOR THE NORTH SHORE REDEVELOPMENT AREA.

Which was read.

Also,

Bill No. 1081

A Resolution entitled, "Resolution AUTHORIZING A COOPERATION AGREEMENT WITH THE URBAN REDEVELOPMENT AUTHORITY OF PITTSBURGH FOR THE NORTH SHORE REDEVELOPMENT PROJECT AREA PROVIDING FOR THE REIMBURSEMENT BY THE CITY OF THE COMMONWEALTH FOR ANY EXPENDITURES FOUND BY THE DEPARTMENT OF COMMUNITY AFFAIRS TO BE INELIGIBLE AND OBLIGATING THE CITY TO PAY ANY LOCAL SHARE OF THE PROJECT COSTS."

Which was read.

Also,

Bill No. 1138

A Resolution entitled, "Resolution AMENDING Resolution #53, approved February 5, 1991, which Amended Resolution #60, approved February 7, 1989, entitled, 'Amending Resolution #637, approved July 27, 1989, entitled 'Providing for implementation of a Residential Parking Permit Program in portions of the West Oakland community pursuant to Pittsburgh Code Chapter 549,' so as to amending the streets included in Area "C",' so as to have one block of Halket Street in Council District #6 included in Area "C"."

Which was read.

Also,

Bill No. 1139

A Resolution entitled, "Resolution AMENDING Resolution 585 effective June 11, 1990, which Amended Resolution 994 effective December 27, 1989, entitled, 'Resolution providing for the implementation of a Residential Parking Permit Program (RPPP) in the Shadyside community pursuant to Pittsburgh Code Chapter 549,' so as to expand the streets included in the existing Shadyside RPPP Area "J", by adding the block of Bayard Street from Devonshire Street to North Craig Street which block was inadvertently not include in the final draft of the ordinance,' so as to expand the streets included in Area "J" in Council District #6."

Which was read.

Also,

Bill No. 1140

A Resolution entitled, "Resolution amending Resolution No. 268, effective April 1, 1989, entitled, 'Resolution amending Resolution No. 32, effective February 8, 1988 and Resolution No. 579, effective July 11, 1988 providing for an Agreement or Agreements with the Pittsburgh AIDS Task Force, Inc., for the furnishing of professional services in connection with its programs of advocacy services, education, risk reduction, and other programs of awareness and compassion for the benefit of all residents of the City of Pittsburgh,' so as to correct an error on Resolution No. 268."

Which was read.

Also,

Bill No. 1141

A Resolution entitled "Resolution providing for an Agreement or Agreements for the provision of operating support to the following Community Based Organizations undertaking community economic development activities: Pittsburgh Partnership for Neighborhood Development, Lawrenceville Development Corporation and Lawrenceville Citizens Council, Inc., at a cost not to exceed $71,980.60."

Which was read.

Also,

Bill No. 1160

A Resolution entitled, "Resolution amending Resolution No. 228, effective March 17, 1993, as amended by Resolution No. 366, effective April 29, 1993 and Resolution No. 1056, effective August 24, 1993 and Resolution No. 1219, effective November 1, 1993 and Bill No. 1118 approved by Council on October 11, 1994."— **(SPONSORED BY MR. HERTZBERG)**

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills? Mr. Hertzberg.

Mr. Hertzberg:

My comments brought forward on 1160, 1161 and 1162, which were all together last week.

(REMARKS -- SEE ADDENDUM)

The Chair:

Thank you. Any other comments?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Smith
Mr. Hertzberg	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 7 NOES none

The bills having received the legally required number of votes are passed finally.

MR. HERTZBERG PRESENTED

Bill No. 1201

Report of the Committee on parks and Recreation for October 19, 1994, transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 1064

A Resolution entitled, "A Resolution AUTHORIZING the Director of the Department of Parks and Recreation to increase certain admission fees at the Schenley Park Ice Skating Rink, effective immediately."

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

The bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cusick	Mr. Onorato
Mr. Hertzberg	Mr. Smith

AYES 4 NOES 2

(MR. COHEN AND MR. FERLO, PRES'T, VOTING NO)

And there not being a sufficient number of majority votes of Council being in the affirmative, the bill was tabled.

Also,

Bill No. 1161

A Resolution entitled, "Resolution AMENDING Resolution No. 1376, approved December 10, 1993, as amended by Bill No. 1085, approved by Council on October 11, 1994, entitled: "Resolution providing for an Agreement (s) and contract (s), with Consultant (s) and Vendor (s) for various expenses in connection with the Pittsburgh Advocacy Commission on Youth, payable from Code Account 4-10-10-1487-93-506-93-10, Index Code 611038, Youth Commission, Department of Parks and Recreation, and for payment thereof," by reducing the authorized amount by $8,333.00 from $141,667.00 to $133,334.00.—**(SPONSORED BY MR. HERTZBERG)**

Which was read.

Also,

Bill No. 1162

A Resolution entitled, "Resolution providing for an Agreement or Agreements with the Sheraden Youth Center for operational and/or administrative expenses, including purchase of equipment or materials, for the benefit of low-moderate income residents of the City of Pittsburgh, at a cost not to exceed $8,333.00."—**(SPONSORED BY MR. HERTZBERG)**

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

The bills are now ready for final action. All in favor of the passage of the bills will vote "aye", when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Smith
Mr. Hertzberg	Mr. Ferlo (Pres't)

AYES 6 NOES none

The bills having received the legally required number of votes are passed finally.

The Chair:

All of the bills have been approved except Bill 1064, which I believe at this time would be tabled. Is that correct?

Thank you very much.

Mr. Onorato:

Mr. President.

The Chair:

Mr. Onorato.

Mr. Onorato:

Just a point of procedure. If the bill gets tabled because of not receiving the required five votes, if I am not mistaken, that can be untabled at any time by any member?

The Chair:

Well, procedurally, tomorrow someone should untable the bill, have another preliminary vote, it will come back up for a Tuesday session and there could be a final vote when there is a fuller complement.

We can bring it up actually next Tuesday in the Legislative Session under Unfinished Business, presuming there is the necessary five votes. Hopefully there will be. Not hopefully. Presumably there will be a fuller complement of my colleagues at the meeting.

Any other comment on that? I would expect that probably someone next week will untable the bill.

MR. CUSICK PRESENTED

Bill No. 1202

Report of the Committee on Engineering and Construction for October 19, 1994, transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 1047

A Resolution entitled, "Resolution REPEALING Resolution No. 1177, effective December 26, 1985, Resolution No. 931, effective October 27, 1986, Resolution No. 395, effective June 6, 1988, Resolution No. 911, effective November 22, 1988, Resolution No. 668, effective August 17, 1989, Resolution No. 468, effective May 8, 1990, Resolution No. 222, effective March 14, 1991, Resolution No. 871, effective September 23, 1991, Resolution No. 186, effective March 11, 1992, Resolution No. 217, effective March 18, 1992, and Resolution No. 1321, effective December 28, 1992."---**(PRESENTED BY MR. CUSICK)**

Which was read.

Mr. Cusick:

Mr. President.

The Chair:

Councilman Cusick.

Mr. Cusick:

If I may, I would like to make a motion to amend Bill 1047 by deleting Resolution 911 in its contents.

The Chair:

Thank you very much. Is there a second?

MR. ONORATO seconded the motion.

The Chair:

It has been moved and seconded.

I think you have an advisory memo, the staff person from Council District 9 that we have assigned, went out and toured the firehouse in question, and we would like to have that given further review and consideration because the building is in need of some major repairs, basic repairs, we are not talking about cosmetic repairs, the basics, like electrical and plumbing. So, until we can have some further review of this, we would like this deleted.

Any other discussion on the deletion? Mr. Cusick.

Mr. Cusick:

Mr. President, I would just like to make note that prior to this meeting that Resolution 990 was deleted, that is the Overbrook Senior Center, which I would like my comments also to be brought forward in regards to Bill 990.

(REMARKS -- SEE ADDENDUM)

The Chair:

So, the amended bill is further amended.

Other discussions? Mr. Onorato.

Mr. Onorato:

I would just like to have my comments brought forward.

(REMARKS -- SEE ADDENDUM)

The Chair:

Thank you very much. Any other comments?

All in favor of the amendment? Opposed?

WHICH MOTION PREVAILED.

The Chair:

The bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:
Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Smith
Mr. Hertzberg	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 7 NOES none

The bill having received the legally required number of votes passed finally.

The Chair:

That concludes Reports of Committees.

MOTIONS AND RESOLUTIONS

The Chair:

Under Motions and Resolutions, I would like to first call on Councilman Cohen, and then we have some appointments to deal with. Mr. Cohen.

Mr. Cohen:

Thank you, Mr. President.

I have two resolutions dealing with Cable Television.

MR. COHEN PRESENTS

No. 798 Resolution PROVIDING for the Director of the Department of General Services, in her capacity as the Superintendent of the Bureau of Cable Communications, to file a complaint with the Federal Communications Commission challenging the reasonableness of the proposed increases in the rates of TCI of PA, Inc., for cable programming service and for installation and rental of equipment for said service.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Pittsburgh that the Director of the Department of General Services, in her capacity as the Superintendent of the Bureau of Cable Communications, is hereby authorized and directed to file a complaint, on behalf of the City of Pittsburgh, with the Federal Communications Commission under the Cable Television Consumer Protection and Competition Act of 1992 challenging the reasonableness of the proposed increase in the rates of TCI of Pennsylvania, Inc., for cable programming service and for the installation and rental of equipment of said service.

Which was read.

Also,

No. 799 Resolution PROVIDING for the tolling of the 30-day deadline for reviewing increases in the rates of TCI of Pennsylvania, Inc., for Basic Service, Installation and Equipment and extending the deadline to December 21, 1994.

WHEREAS, TCI of Pennsylvania, Inc., filed a Request, FCC Form 1210, for the City's approval of increases in rates for basic service, installation and equipment on September 30, 1994.

WHEREAS, the regulations of the Federal Communications Commission governing the City's review of such filings establish a 30-day deadline for the completion of the review, which can be extended for an additional 90 days if the information submitted by a cable operator is insufficient to allow the City to complete its review within the original 30-day period.

WHEREAS, the information submitted in the filing of TCI of Pennsylvania, Inc., is incomplete and otherwise insufficient to allow the City to complete its review and the City will request such additional information as necessary for that purpose.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh determines that the 30-day deadline established for the completion of the City's review of proposed increases in rates for basic service, installation and equipment of TCI of Pennsylvania, Inc., by the regulations of the Federal Communications Commission is hereby tolled and

said period is extended for an additional ninety days until December 21, 1994 pursuant to the authority established in said regulations to enable the City to obtain the additional information required to complete its review.

Which was read.

The Chair:

Procedurally let's get a motion on the floor and moved and seconded.

Mr. Cohen:

So moved.

Mr. Onorato seconded the motion.

The Chair:

It has been moved and seconded. Discussion on the motion, Mr. Cohen.

Mr. Cohen:

Thank you, Mr. President. We had, as you know, because you scheduled it, an evidentiary hearing last Thursday with TCI of Pennsylvania, the Cable Television Company that is here in the City of Pittsburgh, and just as a brief background. City Council initiated re-regulation of cable television rates and service in June of 1993. We filed for certification with the Federal Communications Commission on September 1st and we were certified on October 1st of 1993.

We were certified, as all of you know, just to regulate basic cable television rates and customer service. On February 22nd we had a public hearing for the purpose of hearing from the public their comments about TCI, and then after that TCI filed several documents with City Council regarding their rates and service. Specifically, three major ones, Form 393, covering the period from September of 1993 to July of 1994, what is called a Form 1200, covering the period from July of 1994 to November of 1994, and Form 1210, which would deal from November 1994 on.

I just want to thank you, Mr. President, for your leadership at that hearing. I think that it was a productive hearing . We asked TCI a number of questions. It was a rigorous questioning. I want to thank my colleagues who attended that evening.

I think we got some information from TCI. We have also made significant progress since cable regulation began and was initiated here in City Council. Just to give you an example. Basic cable rates, which had increased 84 percent between June of 1986 and September of 1993, that was 12 percent a year, far in excess of the inflation rate, has now come down slightly, 6.4 percent in their rate filing of September of 1993. Expanded basic, which went up even higher, 125 percent from June of 1986 to September of 1993, 18 percent per year, even farther in excess of the inflation rate, also came down four and a half percent.

As I said, we have authority over the basic rate and customer service standards, like the late fee, and we had a long discussion about the late fee, which many of us feel is outrageous at $3.00 per month, and about their billing cycle, which is 20 days rather than a normal 30-day billing cycle, and we are going to make sure that we order a more reasonable late fee when we are required to do so, by December 21st.

We do not have authority over the expanded basic rate, and that is what one of these resolutions is here today. The only thing that we can do as a City is file a complaint against TCI with the Federal Communications Commission in Washington, and I would very much encourage my colleagues to vote for this bill because TCI's expanded basic rates are outrageously high, even though they have come down slightly, they still have increased so dramatically over the last six years, prior to Council's initiation of rate regulation, that they still are unreasonable, and that is what the standard is that the FCC puts forth is whether or not TCI's expanded basic rates are unreasonable. That resolution says, that we have before us now, says they are unreasonable still, even though they have come down slightly, they are still unreasonable and that we should sue TCI before the Federal Communications Commission.

I think there is another reason, too, Mr. President, and that is TCI deliberately withheld information about their rate increases. As I said, we have made progress where rates have come down, but at the same -- not at the same time, a little bit later they filed a Form 1210, which asks

for a rate increase, a slight rate increase for basic, five cents a month and a much bigger rate increase for expanded basic of 88 cents per month. When we ask them, "Why are you asking for a rate increase, what costs went up to justification this?" they said, "We can't tell you that."

So, they are deliberately withholding information. I do not know how they expect us to even consider a rate increase without telling us what costs have increased, and for that reason, as well as the fact that their rates are too high, I think we should file a complaint with the FCC.

The other resolution is on scheduling, that their most recent filing for the rate increase requires an answer back from City Council. What that resolution says is that we will include that in our order as of December 21st, 1994. That is when we have to make a decision on the other filings, the other forms that they filed, as well as customer service standards.

So, I think they should all be lumped in together, and when City Council issues its order it should be on all of these issues.

The Chair:

Very good. Thank you, and I want to thank you for shepherding us through this process. We are sort of charting new waters as a municipality. We are probably one of the first municipalities in the State that is proceeding with this new process of rate review in terms of our local municipal authorities pursuant to the FCC re-regulation, and there are going to be some gray areas that we need to continue to explore.

I think it is clear the sentiment of Council the other evening at the public hearing was to make sure the Law Department and Mr. Wormser, our consultant, and Director Miskovich from General Services, continues to be vigilant and file whatever appropriate notification to the FCC and to TCI on this issue of so called proprietary information.

As Mr. Cohen pointed out, they sort of hide behind the cloak of darkness in terms of not supplying us with certain information, specifically, their actual programming costs which they are passing on to us, and that is a major bone of contention in addition to the late payment fee, which we think is outrageous, the $3.00, especially since you get billed that late payment fee even before you actually have received the services.

So, I think clearly we are atop of this; we want to remain vigilant. I would encourage that we have something back at least the first part of December so we can get a formal resolution on the table, since I am sure it may be held a week or two for continual discussion.

The two resolutions you have submitted have been concurred with by Director Miskovich and the Law Department, I believe?

Mr. Cohen:

Yes.

The Chair:

Mr. Cohen.

Mr. Cohen:

Very briefly, Mr. President. I spoke with Ashley Schannauer yesterday; they will be circulating a letter to us for our approval that will go to TCI, specifically asking them in writing --we asked them verbally at the public hearing -- but in writing what their program cost increases were to justify this rate increase. So, we will be sending that out soon and give them a 30-day period to answer.

The Chair:

We also wanted them to breakdown the machinery and equipment ledger, they sort of lumped it together on a statewide ledger. I thought we had also asked for a breakdown specifically as it relates to the operation of TCI here in the City.

Mr. Cohen:

Yes.

Now, I will close. They should not be able to come before Council, ask us to approve a rate increase and then refuse to say why they need it.

The Chair:

Mr. Cusick.

Mr. Cusick:

Mr. President, thank you. I would just like to thank and commend Councilman Cohen for all his hard work and his leadership on the issue with TCI. As he said, I think the public hearing went very well the other night. I think, for the most part, if we did not get the answers, we realize how TCI wants to deal with us. I really think that this Council should recognize the hard work that Councilman Cohen has done in trying to keep them on their p's and q's, watching their p's and q's, and just for that I would like to thank you.

The Chair:

Very good. We agree. Mr. Onorato.

Mr. Onorato:

Yes, just let me also add. First of all, I want to thank Councilman Cohen for continuing the fight and leading the charge. I feel very comfortable having him up front.

I had two conflicts at the public hearing, I could not make. I want to state today, because I think it is important to back up Councilman Cohen, to let everyone know that, don't let any one of our absences from that meeting give any indication it is not an important issue, and that I am saying publicly today, I am in full support of what he is doing, of the resolutions, and he has full support of this body. I think it is important that message gets out there, that we are behind his leadership and that they are dealing with the united front here and that they cannot pick up apart one by one just by an attendance at one particular hearing because this is going to be a long battle, there is a lot of work that is being done out of Councilman Cohen's Office, the Law Department, General Services and other Councilmen's Offices, and I just want to make sure that message is clear that we are in full support of what is happening here.

The Chair:

Thank you very much. We made it explicitly clear in Mr. Cohen's line of questioning and cross examination that he was speaking on behalf of Council having accumulated questions and our concerns, and I thought we made that very clear and Mr. Cohen did an excellent job in terms of representing this Council with the line of questioning. We want to recognize and applaud him for that.

Mr. Smith, did you have a comment on this.

Mr. Smith:

Actually since I am probably the --

The Chair:

You know you have the biggest cable bill.

Mr. Smith:

--largest consumer of the service, I am probably the most appreciative of the oversight by both General Services, the Law Department and especially Councilman Cohen, who has made this his forte in creating for the general public a safety valve from a major corporation. I think that it is extremely important that everyone understand and Councilman Cohen has done a wonderful job at simplifying this for many of us who do not understand the legal ramifications for the control that we will have over TCI and their service, which is really the most important point, and I think we need to continue to monitor and create a set of goals that will do that.

The Chair:

Thank you. Some of you here are too young to remember Al Brandon, who was around City Hall for a long time, he was an attorney on Grant Street. I know some of the media may remember him, but he was kind of a raspy individual who was really the consumer watch dog over the utility companies. I would like to think that Mr. Cohen is following in his footsteps because he really did clearly delineate through his line of questioning that he knew about what they were up to, and I think TCI is not going to be able to get away with too much.

You also failed to mention, because of your initial protest, that the fee, the outrageous fee for the remote control device was changed as a

result of this Council's action, and we thank you for that.

Any other comment on this? Again, you will advise us on the introduction of this resolution so we can meet the December 21st deadline.

All in favor of the two resolutions?

WHICH MOTION PREVAILED.

THE CHAIR PRESENTS

No. 1205 Resolution appointing Sandra H. Rosen, 2540 Beechwood Boulevard, Pittsburgh, PA 15217 to the Minority and Women business Enterprise Review Committee for a term to expire on April 30, 1996.

Which was read.

Also,

No. 1206 Resolution appointing Andrew Clayton Hughey, 5821 Walnut Street, Apartment 33, Pittsburgh, PA 15232 to the Minority and Women Business Enterprise Review Committee for a term to expire on April 30, 1996.

Which was read.

Also,

No. 1207 Resolution appointing Earl F. Hord, 806 Herron Avenue, Pittsburgh, PA 15219 to the Minority and Women Business Enterprise Review Committee for a term to expire on April 30, 1996.

Which was read.

Also,

No. 1208 Resolution appointing Richard Bellasario, 1232 Wareman Avenue, Pittsburgh, PA 15226 to the Minority and Women Business Enterprise Review Committee for a term to expire on April 30, 1998.

Which was read.

Also,

No. 1209 Resolution appointing Gregg M. Kander, Esquire, 5432 Dunmoyle Street, Pittsburgh, PA 15217 to the Minority and Women Business Enterprise Review Committee for a term to expire on April 30, 1998.

Which was read.

Also,

No. 1210 Resolution appointing Clarence F. Curry, Jr., 200 Richard Lane, Pittsburgh, PA 15208 to the Minority and Women Business Enterprise Review Committee for a term to expire on April 30, 1998.

Which was read.

The Chair:

In relation to these, I know I have worked with many of the individuals that have been appointed; they would be great additions to the MBE/WBE Committee, but because this particular committee has been of such concern to this legislative body as well as to the community itself, I would like to suggest that rather than receive and file and approve them today, that we actually interview them, so we can have some discussions regarding the work of the MBE/WBE Committee. These individuals are appointed but they actually need the confirmation of this body. I would like to suggest that we actually interview them.

Secondly, because we have a new Administration and as we know, it is really the executive branch that really guides the work of this committee and whether or not we are going to have actual results that we can show, and I would like to suggest then, in addition to interviewing these individuals, we have someone from the Administration appear prior to the interview and present to us either an affirmed or revised executive order regarding MBE/WBE so we are clear on what the new Administration's commitment is to this regard and possibly some type of a mission statement regarding the goals of this new committee, and as third and part of that, I think we need to better clarify, especially since we have some new members, what the actual function and responsibility of the committee is. In the past there has been a criticism that membership on the committee has been laxed, that people had not

attended meetings. So, I would like to suggest that we possibly follow that procedure.

What is the pleasure of the body on this. Mr. Smith?

Mr. Smith:

I so move.

MR. ONORATO seconded the motion.

The Chair:

Any other discussion on this in terms of the procedure? We will schedule it with Mr. Onorato for the Standing Committee Meeting.

All in favor?

WHICH MOTION PREVAILED.

The Chair:

We will interview these representatives and invite the Administration to present an overview on the issues we address.

Are there other matters to be brought up before the body? Mr. Onorato?

Mr. Onorato:

Mr. President, I introduced a bill last week. Bill 1163, dealing with the Section 8 Voucher System, and there is a public hearing scheduled for November 1st. I would motion to televise that hearing.

MR. SMITH seconded the motion.

The Chair:

It has been moved and seconded. All in favor?

WHICH MOTION PREVAILED.

The Chair:

The public hearing will be televised. Any other matter? We should formally invite the Housing Authority representatives to be here and the Law Department also.

Mr. Onorato:

They will all be invited.

The Chair:

Any other matter to be brought before the body? We need a motion to approve the Minutes.

MR. HERTZBERG moved to approve the Minutes of Tuesday, October 18, 1994.

MR. SMITH seconded the motion.

Which motion prevailed.

And on the motion of **ONORATO**

Council adjourned.

(MESSRS O'CONNOR, FERLO COHEN & ONORATO'S COMMENTS)
(Bill No. 1006 - Wednesday, 10-19-94)

Mr. O'Connor:

Discussion. Just briefly, this is the JCO project which is the start of $50 million renaissance in the Squirrel Hill area. We held a public hearing. What this involves is the expansion of the JCC, a new auditorium, a new gymnasium which would also bring in Jewish Family & Children's Services to the facility, a new holocaust center and assisted living for 75 senior citizens that would put them right very close to the Forbes and Murray shopping district, which we feel is ideal.

As you know, we had a very good public hearing. I think the key here, I want to publicly thank the Darlington neighbors and the UJF for what started out to be what looked like an impossible project. They worked very long and hard to make this a reality. I wanted to publicly thank them for all their hard work. This is going to be an exciting project not only for the Squirrel Hill area, but for the whole city, the whole area this JCC project will serve.

Mr. Onorato:

I would like to commend Councilman O'Connor, because I know when this first started we were hearing rumors out of the 14th ward and we were wondering if you were ever going to return to the table after the fight that was brewing. I think you did a heck of a job by bringing all sides together.

Mr. Cohen:

I want to echo the sentiments you just expressed, Mr. Chairman, and that is to thank Councilman O'Connor for mediating what could have been a very bitter dispute. It turns out it is going to be a terrific project for Squirrel Hill and also a terrific project for the city as a whole, because this is $50 million in a private commitment to the City of Pittsburgh, and it is a bricks and mortar commitment, so the neighborhood is going to be built up in a way that will make it last for a very long time, and it will be helpful, I think, to the city as a whole.

I also want to thank UJF, the Squirrel Hill Urban Coalition for their involvement and the Darlington neighbors for being flexible and being able to reach a

compromise here. And finally, of course, Councilman Bob O'Connor for all his work in bringing this to a happy resolution and look forward to the ground breaking.

Mr. O'Connor:

Thank you. You are all invited.

Mr. Ferlo:

Again, I think this Council's record should reflect a collective thank you to the staff, organization, contributors and all the folks from the United Jewish Federation, the JCO. And again, I do want to thank Councilman O'Connor in particular. A year ago -- when I called down the other day for a public hearing, I thought there were going to be 100 people down here; 50 opposed, 50 in favor. Apparently a lot of hard work has gone on. It is clear from the testimony at the public hearing that Councilman O'Connor was very instrumental in helping to deal with what were legitimate concerns and criticisms by some of the residents adjoining the property. You can't have a big institution expand without breaking down some of the old fences that have been built up that maintain good neighbors. So I really think the record should reflect a thank you to Bob for digging in and helping to bring to fruition a tremendous dream on the part of a lot of people. We should thank everybody involved for their hard work.

(End of remarks.)
Transcribed by: Helen L. Kriebel
Stenotype Reporter

(MR. ONORATO'S COMMENTS ON BILL NO. 1047 - 10-19-94)

Mr. Cusick:

Clarification. Resolution No. 990, I think that my colleague, President Ferlo, graciously offered a motion to delete Bill 990 in this piece of legislation.

Mr. Onorato:

You are correct. It was voted on with a majority of ayes and it was deleted. It appears to still be on the agenda.

So this piece of legislation which was carried forward, deferred papers, that should be off there. We already voted to remove it. It was deleted last Wednesday.

I didn't move to delete mine, because I wanted something in writing.

Mr. Cusick:

We don't need a motion to delete it?

Mr. Onorato:

No. We already voted, it is deleted. This is just a typo.

Also, Spring Hill was the issue I was talking about. What I asked for was a letter from the Administration, which I do have here, addressed to President and members of City Council, if I could read this.

"This memo is in response to the Council's concern about the city's commitment to support the conversion of the former Spring Hill Fire Station at Homer and Damas into a community facility.

"Please be advised that the Office of Management and Budget has reviewed the existing funding sources available in the recreation and senior center line item and has determined that there is sufficient CDBG funds from a prior year to fund the anticipated cost of these improvements of $150,000.00. The Mayor has committed to working with the community on the reuse of this facility as a community center. I will follow-up with the appropriate departments to provide you with a schedule for undertaking these improvements.

Sincerely, Sal Sirabella, Deputy Mayor."

I just wanted to read that for the record.

I will also be coordinating with the Deputy Mayor, because I want to take a lead in this committee since I have been working on it to make sure it does go through.

But now that it is on the record, I have no problem with moving of the deletion. As you heard, the money is there, the amount of $150,000.00 was mentioned, if that is what it takes to rehab it, but it seems to be on track.

(End of remarks.)
Transcribed by: Helen L. Kriebel
Stenotype Reporter

(MR. CUSICK'S COMMENTS ON BILL NO. 1100)
(Wednesday, 10-19-94)

Mr. Cusick:

I would like to make a motion to substitute. The Clerk's office handed out this morning the substitution to simply change the code account of where the funding should come from.

I believe that several members of Council have toured the facility and it was our agreement that the renovation process should start. As of last week and some dialogue with the Mayor's office and Mr. Sirabella, we had agreed that the funding source was probably not the best source that I looked at. After consideration, I told the Mayor's office that I would consider taking this out of the bond money.

I am somewhat upset after receiving the memo this morning, I am sure you all read it, in regards to the different community centers that were listed, and the Mayor is very much considering undertaking different improvements for the reconstruction of different centers throughout several different Council districts. I would like if Mr. Sirabella can tell us why --

(Deleted text.)

Mr. Cusick:

I would like Mr. Sirabella to explain. He had given us a list and the funding source for these different centers and how Phillip's Recreational Center differs from the different senior centers and communities centers.

Mr. Sirabella:

The memo I sent over, I was looking at the tape last night of last week, and I think Councilman Ferlo asked for a list of priorities that the Administration is looking at for the coming year. This is the list of priorities. This list of priorities has been developed by prior administrations; in fact, the Overbrook Senior Center is something Dick Caliguiri promised. These are continuing items that have gone through the pipelines, have been discussed with community groups, they are promises that have been made to these communities groups out there. I needed you to be aware of what is in the pipeline.

This doesn't preclude Phillip's in any way. Phillip's will have to go through the same thing that Homer and Damas did, Arlington Gym, Warrington Recreation Center, Ormsby Recreation Center, Overbrook Senior Center, Beechview Senior Center, West End Senior Center, Lawrenceville Senior Center and the 12th Ward Recreation Center have gone through. It is just that simple. It is not to preclude Phillip's. By this item you are talking about doing today, I guess puts it in that category, but I want people to understand, not only are the residents to understand, that there is a process. There is so much money and there is just so much that can be done over the years. Phillip's, obviously, is something that is needed, it is a priority that has been determined by even the Parks Department and the Chairman of the Parks Committee, Councilman Hertzberg, that this is important.

The community group there, I have had conversation with the community group. The Phillip's Advisory Council, Kevin Fischer is the president of that group and I have discussed it with him, and it is something that they are very active in pursuing. I want you to understand that this legislation doesn't necessarily mean that we are going to have a recreation center in Phillip's Park. There are other priorities and they fall in that priority system.

Mr. Cusick:

I understand that. I think the upsetting part especially in regards to the memo, and I stated this to you this morning, was I think this was a ploy to try to divide this Council and shoot down my piece of legislation for the 30,000.

Now, I thought I was being very responsible in offering this piece of legislation because you say here, "Phillip Recreation Center project estimated cost 1.8 million, 2.2 million, if pursued, of the projects identified above will need to be deferred or eliminated from future funding for years to come." Well, I think the part that really upsets me with this is that this is 30,000 and I had a friend of mine go out and look and tell me, an architect, a reputable architect from the City of Pittsburgh, and tell me the scope of work 30,000 will allow us to do. He said he would develop schematic designs including elevation, outline specifications, a budget based on the program, also present preservation of drawings and models, it would work with the community in coming up with a comprehensive plan. First of all, the number 1.8, and I think you would agree with me, or

2.2, is very hypothetical. Those numbers came from the advisory committee. I don't think anyone on the advisory committee is really qualified to say how much this would cost, and I think you would agree with that. I think what is happening now is we would like to see that Phillip's Park be added to the capital budget process and this 30,000 allows that to happen.

Mr. Sirabella:

I am sorry about the memo confusing you all. It was an attempt at the request of Councilman Ferlo to give you a list of our priorities which have been established over prior administration years. They are basic promises that have been made to these communities and community groups that have been actively working out there in the trenches to make these things happen. We can't eliminate them. There is a possibility -- and I wouldn't consider eliminating them, because they are promises and, as the saying goes, a promise is kept, we have to keep these promises.

The business about 1.8 to 2.2 million, the 1.8 million came from you, the 2.2 I believe came from the advisory council. Certainly, that is an ambitious project and that, over the period of discussions, can be looked at and fine tuned. That is an estimated, as I said here, cost, only on the basis of my conversation with you and my conversation with the advisory group, the Phillip's Park advisory group.

We have no problem. Phillip's Park is in need, we think it is in need. But I don't want to blue sky the residents of those four communities, of Overbrook, Knoxville, Carrick and where is the other one? Bon Air, I can't forget Bon Air. They are good communities, good neighbors. I don't want to blue sky them, I don't want to give them the impression that by doing this it is a fait accompli. It is not. It is in the process like these others have been. So we begin the process by doing this.

I don't particularly like the way we are transferring the money out to do that. I think it is a priority that we can do without having to do this action, by simply sitting down with you. I know we have sat down and talked about other projects in your district and one in particular, one that is on this page that is something that you want desperately to go through. Again, that is a promise that was made by Mayor Caliguiri and still hasn't come about. There are reasons for that. So prior administrations that are

better than me probably tried to do it and haven't, but we are going to keep an attempt to move that one project.

So what I am saying to you only is that, fine, if this is what you want to do -- the schematic drawing is just that; it is preliminary. Usually an architect's fee on 1.8 million project is about 7 percent, and we are lucky if we can get 6 percent, sometimes it bumps up to 10. So consider that as their normal fee, consider what this is. This is a preliminary fee. This does, though -- I can tell you, there is a design selection process to choose an architect and we will go through that process.

Mr. Cusick:

All I want this 30,000 to do is get the ball rolling for these people, then we can start working with the Administration and do the things that the Mayor talked about early on in his Administration, like, you know, seeking help from your staff to go out and look for other funding resources, whether they be foundations, trusts, whatever it may be. I think that is what we need to do. I think that is what these people are willing to do; they are willing to work hard to find other funding sources.

I am not saying the city has a ton of money, I am not trying to take $800,000.00 from Jim Ferlo's district, Dan Cohen's or anybody else's here. I don't want to do that. But I do want to get the ball rolling. I think that we owe them that much to get things started.

Mr. Sirabella:

We are in agreement. We want to get the ball rolling. There is no problem in terms of discussing with the advisory group, Phillip's advisory group. Already a person on our staff has talked to them about foundation support, again, another possibility for funding, yes. And I think if this is the way you want to get the ball rolling, it is a little unorthodox, I would rather do it within the capital budget process and discussing it, but certainly Phillip's Park has come through as a place that needs to be expanded. We would very much like to talk in terms -- and when we make the final decision of Phillip's Park, and in consolidating some of the many park centers. We have 166 playground tot lot areas, we have 33 recreation centers in the city and 18 senior centers in our city. It is an amazing

amount of work. Our people are accessible to a recreation center, a tot lot, a playground area, a senior center. We have those things here in the city. It is one thing that we have done very, very well, maybe too well. But I would like to even talk about regionalization, regionalizing. And maybe Phillip's is the one that becomes the regional park.

Mr. Cusick:

Just to finish up, I think and I urge you to vote for this today, and it is because I think this 30,000 will allow this organization to get moving and start working on maybe some of the foundations out there to find another funding source. This is the type of organization, Phillip's Park Advisory Committee, that the foundations are glad to see come and talk to them, sit down with them; they are well-organized, they are dedicated to what they are trying to do.

I would hope that Council today would approve this 30,000 and get this ball rolling.

Mr. Sirabella:

I just want one clarifying point.

The Murphy Administration is not against a Phillip's Park park. In fact, it is something that we have been discussing over this past year as need. I think it has gone through the Parks Department, it has gone through your committee structure, Councilman Hertzberg last week said this is a priority under his committee. I think we are in agreement. But I don't want to give these people, those four neighborhoods, that this is a fait accompli, because it is not. It is the beginning of a process that would have began anyway.

Mr. Cusick:

As I said last week and I want to say it again, I am trying to be as responsible as I possibly can with this. I didn't bring this to the table, Mr. Hertzberg brought an amendment for $2.2 million through the capital budget to this table, which I went back and I told them that that was not a reality.

I want to work with this Administration, I want to come up with a plan that we can phase in the type of recreation center that can facilitate four neighboring communities. That is what I want to see. I think this 30,000 gets that going. It is a pea in a pod.

Mr. Sirabella:

A couple things on that. First off, just a fundamental discussion about I would like to see the words "not to exceed" or "up to" 30. There is no reason we should go to a consultant and say, "Here is the $30,000.00. Give me a study." If that can be a $20,000.00 study, I would be happy. So I think in competition we would say "up to" and give the ability to negotiate something a little bit less of scope. Does it say that?

(Deleted text.)

Mr. Cusick:

I thought that we had the agreement that that was okay. We amended it to come out of bond money.

Mr. Sirabella:

The agreement that I have with you is that we think that Phillip's Park is a priority, it is priority that has to stand in line with the other ones that already promises have been made. We have no problem with moving that project ahead through the process. I don't know what ground is covered, but in all the documents in the last three or four years, there is nothing in the document that says Phillip's Park. There are things in the document that talk to the ones that I refer to you in this memo. All these things are in the capital budget document or discussion or actively. The question of the senior center is something we have looked at in terms of lease expiring and basic inadequate space. You know full well the one in Beechview is an inadequate space.

Mr. Cusick:

Absolutely. Some of these things aren't going to happen in the very near future because of not being able to relocate, matter of space.

Mr. Sirabella:

The first four are going to happen and we have to desperately work.

Mr. Cusick:

But the other ones, just basically you are

still trying to work out?

Mr. Sirabella:

As we are now with Phillip's.

Mr. Cusick:

We had discussed this morning whether or not we could sit down with several of the surrounding communities or community groups in regards to Phillip's park and maybe come up with some other type of plan that would allow some of these moneys that are allocated for other projects in my district be provided for Phillip's Park.

Mr. Sirabella:

Yes. I spoke to Kevin Fischer from the Phillip's Advisory Council this morning. I have been speaking to him about this item and with you, and you have spoken together. I think their understanding, I know he clearly understands that this is a beginning of a process that would have begun. We understand the priority. We are pretty pleased with that organization, as you have stated, in terms of their ability to meet and come up with priorities in a very, very responsible group. So we are pretty happy with that advisory council. What makes the Phillip's project even stronger in my mind is because there is a good advisory council backing it up.

I would propose meeting with the Overbrook Community Council, Phillip's Advisory Council, pointing them together and talk a little bit about projects in their area. There is, you know, that problem in Overbrook. Again, a promise that was begun or a project that was begun by Mayor Caliguiri for the Overbrook Senior Center that hasn't come about simply because we cannot find a lease space for them or something that is acceptable for them. We are going to make every effort, I know as you have been trying, and you brought up to my attention as early as last February about that, to get this thing moving. But at this point I am not going to talk at all without talking to them. The Overbrook Senior Center with Sam Butler and Fred Accamondo are people that we need to talk to and need to maybe come to some meeting of the minds here. In their mind they want their senior center and they want a facility for it. I think the last motion we were talking about is a piece of ground on Route 51, they call it the Old Country Bell property. The problem there is, of course, there was a

flood plane problem in that area. So yes, we will continue to discuss it.

Yes, I am proposing that the Parks Department will bring those groups together, invite all of you and yourself to that meeting so we can try to have a meeting of the minds.

Mr. Cusick:

Has the Mayor set anything up in regard to some of these organizations to start working with some of the foundations? Does he have members of his staff that are doing that right now?

Mr. Sirabella:

Absolutely. Tom Cox deals with foundations almost daily.

Mr. Cusick:

Tom would be willing to work with these groups?

Mr. Sirabella:

Yes. In fact, Dave Farley who works for Tom has already spoken to Kevin Fischer about potential grants and donations and foundation support of this project. You understand, foundations have their own system and they have a group and we have a number of items that we go to the foundations for. Certain foundations support certain things. Not all support projects like this; there are some that do. That money is scarce and, in reality, again, let's not blue sky this thing and talk about the foundation is going to drop $500,000.00 on this project, that is not going to happen, I don't think. We are going to try, we make every best effort. But we are in constant communication with the foundations. Right now we are working on an addition to a number of other items, youth and crime money.

(End of remarks.)

Transcribed by: Helen L. Kriebel
Stenotype Reporter

(MR. HERTZBERG'S COMMENTS ON BILLS NO. 1160, 1161, 1162)
(Wednesday, 10-19-94)

Mr. Hertzberg:

Thank you, Mr. Chairman. These three companion bills are very similar to what Council President Ferlo has introduced over the past few weeks and what are referenced in a memorandum submitted by President Ferlo to all members of Council on October 7th regarding Youth Commission funds, 1993 Community Development Block Grant Program. There was $150,000.00 allocated to the Youth Commission. We are taking about $75,000.00 of that $150,000.00 since they weren't previously spent, and then breaking it down to 8,333 per council district for youth related programs. That is what these three bills are about. It was St. Mary's in Lawrenceville that was Council President Ferlo's district, and this is the Sheraden Youth Center in City Council District No. 2.

Currently Sheraden Youth Center has programs for swimming, basketball, volleyball, tutoring, dances every Friday night. They are starting their haunted house, though, in the next couple Fridays and in lieu of the dances they will be having the haunted house. Anyways, the Sheraden Youth Center is on the verge of being totally out of funding at all. This Youth Commission funding will be just what they need in the nick of time, including trying to get them by on their overhead. It will also help fund a music program they would very much like to get rolling which would be for grade school through high school students, it would include instrument rental, professional instruction and it will be open to all students and would be at no cost to them. They also want to expand their basketball program, make it more formal and involved.

(End of remarks.)
Transcribed by: Helen L. Kriebel
Stenotype Reporter

MUNICIPAL RECORD

Proceedings of the Council of the City of Pittsburgh

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Municipal Record

ONE-HUNDRED TWENTY-EIGHTH COUNCIL

JIM FERLO.....President
LINDA M. JOHNSON-WASLER.....City Clerk
KURT J. SALAC.....Asst. City Clerk

Pittsburgh, PA
Tuesday, November 1, 1994

PRESENT:

Mr. Cohen	**Mr. Onorato**
Mr. Cusick	**Mr. Ricciardi**
Mr. Hertzberg	**Mr. Smith**
Mr. O'Connor	**Mr. Ferlo (Pres't)**

The Chair:

City Council's Legislative Session will now come to order.

Would you all please rise for the Pledge of Allegiance. Would you please remain standing for a moment of silent prayer so that we may have peace throughout the world.

We are very honored and pleased to have a young lady here today, her name is Brittany Sexton; she is five years old; she is from Beechview; she goes to St. Catherine of Siena's. Her mom is here also, Tracey. They are from Councilman Cusick's District. She is going to lead us in the Pledge of Allegiance. Go ahead, Brittany.

Brittany Sexton:

I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

The Chair:

Thank you. Brittany, we want you to have our flag of the City of Pittsburgh.

Brittany Sexton:

Thank you.

The Chair:

Thank you, sweetheart.

PRESENTATIONS

The Chair:

At this time I would like to call on Councilman O'Connor, who has a resolution.

Mr. O'Connor:

To be read into the record.

The Chair:

To be read into the record. Thank you, Mr. O'Connor.

MR. O'CONNOR PRESENTS

No. 1211 WHEREAS, Calliope House, Inc., located at 279 Fisk Street in the City of Pittsburgh, is a non-profit corporation authorized by its Articles of Incorporation and/or By-Laws to engage in civic or service purposes within the Commonwealth of Pennsylvania, and does in fact engage in such activities; and,

WHEREAS, Calliope House, Inc., has been incorporated in the Commonwealth of Pennsylvania and has been granted exemption from the Federal Income Tax under Section 501(c)(3) of the Internal Revenue Code; and,

WHEREAS, Calliope House, Inc., desires to operate certain small games of chance and/or conduct raffles to generate funds to finance its operation and further its purposes.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and the Council of the City of Pittsburgh hereby recognizes and declares Calliope House, Inc., to be a Civic and/or Service organization within the context of the Pennsylvania Small Games of Chance Act, as amended.

MR. O'CONNOR moved to adopt the resolution.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

The Chair:

Councilman Ferlo has a resolution.

I would like our friends from the Public Utility Commission and from some of the other utility companies that are here this morning to please come forward.

We have Verna Edmonds from the Pennsylvania Public Utility Commission and others who represent various public utilities operating in Pittsburgh and Western Pennsylvania.

Members of Council, I would like to move the following resolution:

THE CHAIR PRESENTS

No. 1212 WHEREAS the Pennsylvania Public Utility Commission has an interest in educating the public on energy use and conservation, and providing assistance to income eligible and special needs customers who face financial difficulties during the winter months; and,

WHEREAS, area utility companies and human service agencies such as the Allegheny County Department of Aging, the Pennsylvania Office of the Attorney General, the Bureau of Consumer Protection, the PA Department of Welfare, Bell Atlantic, Columbia Gas Company, Duquesne Light Company, Equitable Gas Company, Peoples Gas, Pennsylvania-American Water Company, West Penn Power, the Dollar Energy Fund, and others share with the PUC these concerns; and,

WHEREAS, consumers need some medium whereby this information is clearly and effectively disseminated; and,

WHEREAS, utility fairs have proven to be successful in central and eastern parts of Pennsylvania; and,

WHEREAS, no fairs of this nature have been conducted by the PUC in the City of Pittsburgh; and,

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby declare November 11, 1994 "Utility Fair Day Because We Care Day" in the City of Pittsburgh.

BE IT FURTHER RESOLVED, that at noon on November 11, 1994 at the Burlington Coat Factory in Pittsburgh the PUC Commissioners, the Allegheny Commissioners, and the City of Pittsburgh officials are invited to formally address those attending the Utility Fair.

MR. HERTZBERG moved to adopt the resolution.

MR. ONORATO seconded the motion.

Which motion prevailed.

The Chair:

Thank you very much. We will introduce our guest from the PUC, and she may want to introduce some others that will highlight some of the activities going on that day. Thank you.

Ms. Edmonds:

Thank you, Councilmen; we want to thank you from the Pennsylvania Public Utility Commission and all of the utilities and service organizations that are present today for being a part

of the first Utility Fair to be held in the Pittsburgh area.

We have wanted to do this for some time, and we started three years ago by holding the first one in Philadelphia. We feel that people need to be informed and educated as to what is going on with their utility bills, why they are going up, and we want them to come out and ask the utility companies and also the representatives from the Pennsylvania Public Utility Commission any questions that they have on that day.

We hope to help them with the Low Income Energy Assistance Programs and also with the Low Income Usage Reduction Program. We want people to be warm this winter; we want them to come out on November the 11th at the Burlington Coat Factory between the hours of 11:00 and 3:00 when we will be there.

We thank you again for having us here today and participating in this Energy Fair. Thank you.

The Chair:

Thank you, Verna.

I love these non-controversial resolutions.

I would like to move ahead to Presentation of Papers, calling on Councilman Cohen, Committee on Public Safety.

Mr. Cohen:

Mr. President.

The Chair:

Thank you, Mr. Cohen.

Mr. Smith:

Mr. President.

The Chair:

Councilman Smith?

Mr. Smith:

Could the record reflect that I am present in the Chambers.

The Chair:

Absolutely.

MR. COHEN PRESENTED

No. 1213 Resolution authorizing the transfer of $250,000.00 from Code Account PEMA to Code Account MCSTF, Emergency Operations Center, Department of Public Safety.

Which was read and referred to the Committee on Finance.

Also,

No. 1214 Resolution providing for a Contract or Contracts or the use of existing Contract or Contracts or Agreement or Agreements to purchase a microwave communications system for the Emergency Operations Center. Total cost shall not exceed ($250,000), chargeable to and payable from the Microwave Communications System Trust Fund (MCSTF).

Which was read and referred to the Committee on Public Safety.

Also,

No. 1215 Resolution authorizing the transfer of $70,000.00 from Code Account 1443-3, Salaries and Wages, Regular Employees, Bureau of Police to Code Account 1443-6, Police In-Grade, Bureau of Police.

Also,

No. 1216 Resolution authorizing the transfer of $300,000.00 from the Emergency Medical Services Reimbursed Events Trust Fund (EMSRETF), to the Emergency Medical Services Trust Fund (EMSTF), for the reimbursement of special event wages paid from EMSTF. Receipts from organizations for special event coverage are initially deposited in EMSRETF.

Which were read and referred to the Committee on Finance.

MR. COHEN moved to suspend Rule 8 by providing for consideration of the bills only until or after the calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

MR. CUSICK PRESENTED

No. 1217 Resolution adopting Official Sewage Facilities Plan revision for the Arch Court Project, located on Arch Street at the intersection of McNary Way in the 22nd Ward of the City of Pittsburgh.

Which was read and referred to the Committee on Engineering and Construction.

MR. ONORATO PRESENTED

No. 1218 Resolution providing for the conveyance by the City of Pittsburgh of certain property, under Act No. 171 of 1984, entitled, "Second Class City Treasurer Sale and Collection Act," effective December 11, 1984.

Also,

No. 1219 Resolution providing for the filing of a petition or petitions for the sale of certain property or properties, acquired at tax sales in accordance with Act No. 171 of 1984. "Second Class City Treasurer Sale and Collection Act," effective December 11, 1984.

Which were read and referred to the Committee on Finance.

MR. RICCIARDI PRESENTED

No. 1220 Resolution authorizing the City of Pittsburgh to exercise its option to extend the term of the agreement of lease with Forbes Street Associates for certain space in the 441 Smithfield Street Building chargeable to and payable from Code Account 1922, Miscellaneous Services, Department of Water.

Which was read and referred to the Committee on Water.

Also,

No. 1221 Resolution granting unto Kim Mistick, 240 Provost Road, Pittsburgh, Pennsylvania, 15227, his successors and assigns, an encroachment to construct, maintain and use at his own cost and expense, an off-street parking area on a portion of the right-of-way of Schaad Street in the 32nd Ward, 4th Council District of the City of Pittsburgh.

Also,

No. 1222 Resolution granting unto Richard Johnson and Cheryl Augustine, 100 Handler Street, Pittsburgh, Pennsylvania, 15203, their successors and assigns, an encroachment to construct, maintain and use at their own cost and expense, a landscape tie wall and a deck on portion of the right-of-way on Jane Street in the 16th Ward, 3rd Council District of the City of Pittsburgh.

Also,

No. 1223 Resolution granting unto Dressel Associates, Inc., Century Building, Suite 1200, 130 Seventh Street, Pittsburgh, Pennsylvania, 15222, their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, a sign encroachment on a portion of the right-of-way on 130 Seventh Street in the 2nd Ward, 6th Council District of the City of Pittsburgh.

Which were severally read and referred to the Committee on Public Works.

The Chair:

I would like to welcome some students and teacher and friends from Oakland Catholic, who are here today interviewing public officials on the issue of Riverboat Gambling for their Geography Class. Welcome to Chambers.

MR. SMITH PRESENTED

No. 1224 Resolution authorizing a cooperation agreement or agreements with the Urban Redevelopment Authority of Pittsburgh providing for the transfer to URA of $50,000.00 for the Start-an-Enterprise Program.

Also,

No. 1225 Resolution approving a conditional use under Section 993.01(a)A(20) of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993, as amended, to The Oakland School for authorization to use an existing two-story-and-basement structure as a college preparatory high school with a maximum enrollment of 7 students at 362 McKee Place, with parking for 10 automobiles, on property zoned "R4" Multiple-Family Residence District, 4th Ward. (COUNCIL DISTRICT NO. 3)

Also,

No. 1226 Resolution authorizing the URA to acquire all of the City's right, title, and interest, if any, in and to the publicly-owned property in the 17th Ward of the City of Pittsburgh being designated as Block & Lot 12-E-20, under the Residential Land Reserve Fund.

Also,

No. 1227 Resolution approving execution of a Contract by and between URA and Jim and Marie Payne for the sale of Parcel 36 in the 5th Ward of the City of Pittsburgh for $400.00 -- Redevelopment Area No. 32 (sideyard).

Also,

No. 1228 Resolution approving execution of a Contract by and between URA and Andrenia Chalmers for the sale of Parcels 238A and 238B in the 21st Ward of the City of Pgh., for $675.00 -- Redevelopment Area No. 27 (sideyard).

Also,

No. 1229 Resolution approving execution of a Contract by and between URA and Rita Lorraine Borgese for the sale of Parcel C in the 27th Ward of the City of Pittsburgh for $300.00 Redevelopment Area No. 35.

Also,

No. 1230 Resolution approving execution of a Contract by and between URA and Peter James Talmachoff for the sale of Block 23E, Lot 220 in the 25th Ward of the City of Pittsburgh for $400.00.

Also,

No. 1231 Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire that property in the 22nd Ward of the City of Pittsburgh owned by Sun Company, Inc., (R & M) and designated as Block 23L, Lots 111, 112 and 119 in the Deed Registry Office of Allegheny County, under the Industrial Land Reserve Fund for a purchase price of $100,000.00 plus expenses.

Which were severally read and referred to the Committee on Planning, Housing & Development.

UNFINISHED BUSINESS

The Chair:

Under Unfinished Business, Councilman Hertzberg.

Mr. Hertzberg:

Thank you, Mr. President. I would make a motion to untable Bill No. 1064, that is the bill which it is proposed to increase the Schenley Skating Rink fees by 50 cents.

MR. RICCIARDI seconded the motion.

The Chair:

The motion has been made, it has been seconded. Discussion on the untabling?

WHICH MOTION PREVAILED.

Mr. Hertzberg:

I am going to move to recommit the bill at this time.

The Chair:

Motion to recommit. Is there a second?

MR. O'CONNOR seconded the motion.

The Chair:

Discussion?

Mr. Hertzberg:

Yes. Thank you, Mr. President.

There is some additional information that Parks was requested to provide and, unfortunately, the individual that is most able to do that has been on vacation out of town, has now returned and we should be able to submit the information that Council requested. I think that is the appropriate way to go through this legislation, so that we can have complete information before we do have a final vote on this. So –

The Chair:

Well, we had a final vote on it.

Mr. Hertzberg:

I know. Before we get another final vote on it, I would hope that everyone will have everything they wanted to have and they can make a more informed vote than they did last time.

The Chair:

Very good. Any other discussion? All in favor of the recommittal?

WHICH MOTION PREVAILED.

The Chair:

The Bill 1064 is recommitted. It will be up on tomorrow's agenda.

REPORTS OF COMMITTEES

The Chair:

Reports of Committees. Moving directly to Committee on Finance, Councilman Onorato.

Mr. Onorato:

Mr. President.

The Chair:

Thank you, Mr. Onorato.

MR. ONORATO PRESENTED

Bill No. 1232

Report of the Committee on Finance for October 26, 1994, transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 1158

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of CSX Transportation in the amount of $592.95 in payment of railroad flagging services required for the inspection of the Herron Avenue and Elizabeth Street Bridges; and providing for the payment of the cost thereof."

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Smith
Mr. O'Connor	Mr. Ferlo (Pres't)

AYES 8 NOES none

And there being two-thirds of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 1164

A Resolution entitled, "Resolution PROVIDING for an agreement with the Pennsylvania Economy League for the purpose of providing services to the City related to forecasting revenues."

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Smith
Mr. O'Connor	

AYES 7 NOES none

(MR. FERLO, PRES'T, VOTING NO)

The bill having received the legally required number of votes passed finally.

Also,

Bill No. 1165

A Resolution entitled, "Resolution PROVIDING for the issuance of a warrant in favor of PENNSYLVANIA ALLOY MACHINING COMPANY, INC., in the amount of $1,108.00, for the emergency purchase and repair of cold rolled steel shafts in connection with repairs of Clarifier #3 at the Treatment Plant, Purification & Pumping Division, Department of Water; and providing for the payment thereof."

Which was read.

Also,

Bill No. 1166

A Resolution entitled, "Resolution PROVIDING for the issuance of a warrant in favor of Perkin Elmer, 761 Main Avenue, Norwalk, CT 06859 in the amount of $3,950.00; in connection with repairs to the Atomic Absorption Spectrophotometer at the Treatment Plant and providing for the payment of the cost thereof."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Smith
Mr. O'Connor	Mr. Ferlo (Pres't)

AYES 8 NOES none

And there being two-thirds of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 1167

A Resolution entitled, "Resolution TRANSFERRING the sum of $23,709.06 from Code Account 1986 (198606), Materials, Department of Water to ARTF, Asphalt Reimbursement Trust Fund, Index Code 250100, Department of Public Works."

Which was read.

Also,

Bill No. 1168

A Resolution entitled, "Resolution PROVIDING for the transfer of funds totaling $123,000.00 from Code Account 1922, Index Code (192203), Miscellaneous Services, Department of Water, to Code Account 51, Index Code (005108), Postage, Department of Finance."

Which was read.

Also,

Bill No. 1187

A Resolution entitled, "Resolution transferring the amount of Two Hundred Seventy Three Thousand ($273,000.00) Dollars from various Code Accounts within the Department of Public Works to other various Code Accounts within the Department of Public Works."

Which was read.

Also,

Bill No. 1188

A Resolution entitled, "Resolution transferring the amount of One Hundred Ten Thousand ($110,000.00) Dollars from various Code Accounts within the Department of Public Works to other various Code Accounts within the Department of Public Works."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Smith
Mr. O'Connor	Mr. Ferlo (Pres't)

AYES 8 NOES none

The bills having received the legally required number of votes are passed finally.

MR. SMITH PRESENTED

Bill No. 1233

Report of the Committee on Planning, Housing & Development for October 26, 1994, transmitting two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 1171

A Resolution entitled, "Resolution AUTHORIZING A COOPERATION AGREEMENT WITH THE URBAN REDEVELOPMENT AUTHORITY OF PITTSBURGH PROVIDING FOR THE DESIGNATION OF URA AS THE CITY'S AGENT FOR ACQUISITION OF CERTAIN PROPERTY OWNED BY CSX TRANSPORTATION, INC., AND PROVIDING FOR THE PAYMENT OF THE COSTS THEREOF."

Which was read.

Also,

Bill No. 1172

A Resolution entitled, "Resolution approving a conditional use exception under Section 993.01(a)A(9) of the Pittsburgh Code, title Nine, Zoning, Article V, Chapter 993, to Carnegie Mellon University for authorization to construct a four-story-and-basement research building known as George A. Roberts Hall (Electronic Materials Technology Building) with laboratories, offices, and a multi-purpose conference room to be located between Hamerschlag Hall and Boundary Street on the campus of Carnegie Mellon University at 5000

Forbes Avenue on property zoned "I-C" Institutional Civic-District, 14th Ward."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Councilman Hertzberg.

Mr. Hertzberg:

Thank you, Mr. President.

On Bill No. 1171, that is a bill that involves acquisition of some riverfront property in the 20th Ward in the Esplen neighborhood for park purposes, I would like to have my comments brought forward on that. I am very much in favor of this bill.

(REMARKS -- SEE ADDENDUM)

The Chair:

Thank you very much.

Other comments. Councilman Cohen.

Mr. Cohen:

Thank you, Mr. President. I would like my comments brought forward on Bill 1172, which involves the new addition at the Carnegie Mellon University Campus near Hamerschlag Hall.

(REMARKS -- SEE ADDENDUM)

The Chair:

Very good. Other comments?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Smith
Mr. O'Connor	Mr. Ferlo
	(Pres't)

AYES 8 NOES none

The bills having received the legally required number of votes are passed finally.

MR. COHEN PRESENTED

Bill No. 1234

Report of the Committee on Public Safety for October 26, 1994, transmitting two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 1196

A Resolution entitled, "Resolution AUTHORIZING the Director, Department of Public Safety, to grant a reward from the Graffiti Trust Fund." **—(Sponsored by Mr. Ferlo)**

Which was read.

Also,

Bill No. 1197

A Resolution entitled, "Resolution AUTHORIZING the Director, Department of Public Safety, to grant a reward from the Graffiti Trust Fund." **—(Sponsored by Mr. Ferlo)**

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Hearing none the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Smith
Mr. O'Connor	Mr. Ferlo
	(Pres't)

AYES 8 NOES none

The bills having received the legally required number of votes are passed finally.

MR. CUSICK PRESENTED

Bill No. 1235

Report of the Committee on Engineering and Construction for October 26, 1994, transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 1184

A Resolution entitled, "Resolution PROVIDING for an Agreement or Agreements with a Consultant or Consultants for professional engineering and architectural services in connection with the rehabilitation and reconstruction of Phillips Park Community Center; and providing for the payment of the costs thereof."

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill? Mr. Cusick.

Mr. Cusick:

Yes, I would like my comments to be brought forward.

The Chair:

Very good. Any other comments? Councilman Cohen.

Mr. Cohen:

I just want to commend Councilman Cusick on his initiative with the expansion of Phillips Park. I think that we are getting it on the table and that is where it needs to be, and I want to congratulate him.

The Chair:

Any other comments?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Smith
Mr. O'Connor	Mr. Ferlo
	(Pres't)

AYES 8 NOES none

The bill having received the legally required number of votes passed finally.

MOTIONS AND RESOLUTIONS

The Chair:

Under Motions and Resolutions. Councilman Onorato.

Mr. Onorato:

Two quick points, Mr. President. I would like to remind everyone that at 2 o'clock today we have a public hearing on legislation I introduced regarding the Section 8 Voucher Certificate

Program, reviewing the system. Anyone that would like to come down and participate or it will be on Cable, too, if they want to watch it.

The other thing -- and this will be a motion -- that I would like to get support for, and it came up about a year ago, and it seems to be a problem, it is hard to believe, but the deer in Riverview Park, there has still been some hunting going on. We found two deer that were gutted recently. We are not sure if it was bow and arrow or what the point is. We found out the parks are not posted.

So, I would like to make a motion that we immediately not only get Riverview Park posted "No Hunting," but also any other parks where this can be a problem, but I would ask that we make Riverview a top priority because it is happening right now as we speak, and we have the police and the Game Commission investigating, but they said that the signs should be put up.

So, I have a motion to post Riverview Park and any other park that any Councilman feels should be posted, and have Public Works create those signs and put them up as soon as possible.

The Chair:

Discussion? Mr. Smith.

Mr. Smith:

Yes. I think we need to do that in all four regional parks, Councilman Onorato, since they tend to have the area that would allow deer to live within them.

Mr. Onorato:

That is fine. That is a good point. Then any additional park that a Council person might want to add. The four regional parks is fine.

The Chair:

Councilman Cusick.

Mr. Cusick:

As everyone knows, next Tuesday is election day and --

The Chair:

Is it on this item?

Mr. Cusick:

I am sorry? No, I am sorry.

The Chair:

All in favor of this communication?

WHICH MOTION PREVAILED.

The Chair:

Thank you. Mr. Cusick.

Mr. Cusick:

As everyone knows, next week is election day. I would like to make a motion to adjourn this meeting and meet again on Monday, November 7th at 2 o'clock.

The Chair:

Very good. Prior to a vote on that, is there any other matter under Motions and Resolutions that anybody would like to discuss?

If not, we will entertain the motion to adjourn.

Mr. Cusick:

Mr. President, if you also would allow us to know what time would we meet on Wednesday? Will we meet at the regular time, 10 o'clock?

The Chair:

We were planning to, yes. This motion is just on the meeting for Monday the 7th, meeting at 2:00, with the regular meeting on that Wednesday, unless somebody wants to change it.

Mr. Hertzberg:

Excuse me. We are not going to recess today? We are adjourning today; we are just changing the time?

Mr. Cusick:

No, we are just adjourning.

The Chair:

There is no motion to recess. There is a motion to adjourn; it is just clarified the next date is Monday, November 7th at 2 p.m.

MR. COHEN seconded the motion.

WHICH MOTION PREVAILED.

The Chair:

Along with that, can we also make the motion to approve the Minutes.

MR. HERTZBERG moved to approve the Minutes of Tuesday, October 25, 1994.

MR. O'CONNOR seconded the motion.

Which motion prevailed.

And on the motion of **Mr. Cusick**

Council adjourned.

(BEGINNING - MR. HERTZBERG'S COMMENTS ON BILL NO. 1171, WEDNESDAY, OCTOBER 26, 1994)

Mr. Hertzberg:

I don't need anyone here from Planning or anything to discuss this. This relates to land located within City Council District No. 2 in the 20th Ward along the Ohio River beginning with land that adjoins the boundary line with the Borough of McKees Rocks, actually Chartiers Creek, and the land that we are proposing to acquire moves eastward and from there it is a 4.1 acre track, it begins with a width of 150 feet and ends up being about 70 feet at its eastern extreme. It's all owned by the railroad company and the exciting proposal and I support this bill I'm strongly behind it, is to give us a park there along the river in what will be the Esplen neighborhood of the City of Pittsburgh.

I want to thank the Mayor very much for following through on his commitments to different types of riverfront development; it's great. It's going to be great for the community of Esplen, one that unfortunately over the recent past has been a neglected community. Now under the new administration it has finally been located and it can turn into a diamond in the rough for the City of Pittsburgh and with the riverfront acquisition I think we're going to see nice things there. It is a strong community in Esplen and it's coming along and this could be great for the potential there and the Esplen Community Council is 100 percent behind this.

(END OF COMMENTS)
PREPARED BY: MARY ANNE HRUSKA
STENOTYPE REPORTER

(BEGINNING - MR. COHEN'S COMMENTS ON BILL NO. 1172, WEDNESDAY, OCTOBER 26, 1994)

Mr. Cohen:

Thank you. I have asked Jim Brown to come to the meeting today and come to the table to give us a description of the project. Councilman O'Connor and I were briefed on this project because we both represent the 14th Ward and asked Mr. Brown to describe it for the rest of you.

Mr. Brown:

The proposed building that will be right next to Hamerschlag Hall towards Boundary Street will be a four-story and basement building for Carnegie-Mellon University and will be for engineering material testings.

The Commission held a public hearing on September 13th had some support, particularly from Marshall Goodwin. He was the only one that spoke at the hearing aside from the university personnel and he is in favor of it as a resident of the Oakland area and the Commission held a continued hearing on September 27th at which time they approved it and again there was no opposition to it. Parking-wise, the University has more parking presently than required by the Code so there is no need for additional parking in terms of the Zoning Code. And in fact after this project they will still have an excess of parking spaces.

The Commission is recommending approval of conditional use exception and we have no opposition. The site will be re-landscaped when finished and there were several conditions that the Commission placed on it concerning traffic mitigation of certain intersections that may be affected which will be done at the expense of the University and essentially that the site be landscaped with existing landscape to be retained as much as possible.

Mr. Cohen:

The question of parking. This building will not cause CMU to exceed the parking requirements of the Zoning Code?

Mr. Brown:

That's correct.

Mr. Cohen:

There also was some question of illegal parking down in Panther Hollow.

Mr. Brown:

On the other side of the tracks some students have been able to park there and nobody has paid any attention to it and we are asking the University to either block it off somehow or do something to eliminate the parking anyway and they are able to do that.

Mr. Cohen:

The only other issue are the trees that are along Panther Hollow; will they be saved?

Mr. Brown:

Some will have to be removed but we are attempting to save as many as possible and then after the building is constructed it will be re-landscaped as it faces Boundary Street and the University does a nice landscape job and they will do it in accord with the Planning Commission and planning staff approval of the landscaped plan.

Mr. Cohen:

I saw the plans with Councilman O'Connor and they were very much in harmony with the rest of the University. I don't know how many people know this but the University has a structure that is suppose to be a ship and this represents the front bow of the ship and it does that in a good way so I support this and it will be a nice addition but I asked Mr. Brown to be here in case anybody had any questions.

(END OF COMMENTS)
PREPARED BY: MARY ANNE HRUSKA
STENOTYPE REPORTER

(MR. CUSICK'S COMMENTS ON BILL NO. 1184)
(Wednesday, 10-26-94)

Mr. Cusick:

As you know, I was had some minor problems with the Administration in regards to this current legislation. I did amend this legislation and this money is coming out of the capital budget as it sits now.

I have spoken to the Administration. The outline or the architectural design, the cost estimates that the Department of Engineering and Construction did, I think that myself and Deputy Mayor Sal Sirabella basically agreed that they did not take into consideration, the existing structure and the square yardage or square foot was probably off quite a bit and that he didn't have really a problem with doing this. That was where we probably came up with the 30,000, because of the price of square yard that the Department of Engineering came up with. And after doing some research, we really disagree.

(End of remarks.)
Transcribed by: Helen L. Kriebel
Stenotype Reporter

MUNICIPAL RECORD

Proceedings of the Council of the City of Pittsburgh

VOL. CXXVIII *November 7, 1994* *No. 42*

Municipal Record

ONE-HUNDRED TWENTY-EIGHTH COUNCIL

JIM FERLO.....President
LINDA M. JOHNSON-WASLER.....City Clerk
KURT J. SALAC.....Asst. City Clerk

Pittsburgh, PA
Monday, November 7, 1994

PRESENT:

Mr. Cohen	**Mr. Onorato**
Mr. Cusick	**Mr. Ricciardi**
Mr. Hertzberg	**Mr. Smith**
Mr. O'Connor	**Mr. Ferlo (Pres't)**

The Chair:

Would you all please rise for the Pledge of Allegiance, and would you please remain standing for a moment of silent prayer so that we may have peace throughout the world.

We are very honored and pleased to have a young student here, Andrew Jacobs; he is an 8th Grader at the Most Holy Name School in Troy Hill. I see Dick Schubert here from the Citizens' Council. Andrew's mom and dad are here, Bob and Maura Jacobs, and we are very pleased.

Andrew, would you please lead us in the Pledge of Allegiance.

Andrew Jacobs:

I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with Liberty and Justice for all.

The Chair:

Thank you. Thank you, Andrew. We appreciate you coming down today with your mom and dad. We would like to present you with our City flag and the flag of our country and hope you have a good tour in the Mayor's Office. We thank Dick Schubert also. They are obviously from Councilman Onorato's District.

Mr. Onorato:

I was hoping you mentioned that, Mr. President.

The Chair:

Absolutely. We know you work hard up there and we are pleased that Andrew took the time to come down here today very much. Thank you very much.

Mr. Onorato:

Thank you.

PRESENTATIONS

The Chair:

I would like to move directly into Read and Adopted. We have a number of resolutions to read into the record. I believe Councilman Cohen has one to be read into the record.

MR. COHEN PRESENTS

No. 1236 WHEREAS, Allen H. Berkman, husband to the former Selma Wiener, father of five children and grandfather of 15 children, is a leader in our community who has taken a prominent role in every organization in which he has been called to serve; and,

WHEREAS, Allen H. Berkman is a leader of the local and national Jewish community including member of the National Board of Governors and the National Executive Committee of the American Jewish Committee; charter member, past chairman and life trustee of the Pittsburgh Chapter of the American Jewish Committee; past president of Rodef Shalom Congregation and life trustee; member of the Board of Governors and Executive Committee of Hebrew Union College-Jewish Institute of Religion; holder of an honorary Doctor of Humane Letters from Hebrew Union College-Jewish Institute of Religion; and,

WHEREAS, Allen H. Berkman has advanced the arts by serving as a member of the Board of Trustees and Executive Committee of the Pittsburgh Cultural Trust; member of the Advisory Committee of the Benedum Center for the Performing Arts; former member of the Board of Trustees of the Pittsburgh Symphony; and,

WHEREAS, Allen H. Berkman is a leader in several non-profit organizations including past chairman and honorary director of the Vocational Rehabilitation Center of Allegheny County; past vice chairman and director emeritus of the World Affairs Council of Pittsburgh; past vice chairman and board member of Hill House Association; past vice president and life trustee of Montefiore Hospital; life trustee of the Jewish Healthcare Foundation of Pittsburgh; and,

WHEREAS, Allen H. Berkman is a Phi Beta Kappa graduate of the University of Michigan, graduate of the Harvard Law School, past president of the Harvard Law School Association of Western Pennsylvania, a life member of the American Law Institute, and is currently of counsel to the Pittsburgh law firm of Kirkpatrick & Lockhart; and,

WHEREAS, Allen H. Berkman will be honored by the Pittsburgh Chapter of the American Jewish Committee as it celebrates its fiftieth anniversary; and,

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby commend Allen H. Berkman for his extraordinary leadership in our community and a lifetime of serving others.

MR. COHEN moved to adopt the resolution

MR. HERTZBERG seconded the motion.

Which motion prevailed.

The Chair:

Councilman Onorato, I believe you have one to be read into the record.

Mr. Onorato:

Mr. President.

The Chair:

Thank you, Mr. Onorato.

This doesn't have anything to do with the election tomorrow, does it?

MR. ONORATO PRESENTS

No. 1237 WHEREAS, the United Methodist Church Union was incorporated in Allegheny County on April 28, 1894; and,

WHEREAS, the Church Union joined the pastor and two lay persons of each Methodist Episcopal (later United Methodist) congregation in Allegheny County in a concerted effort to help the needy and forgotten; and,

WHEREAS, it instituted many "language ministries" or "missions" for Italian, Polish, Slovak, and Hungarian people; and,

WHEREAS, it saved numerous Methodist Churches from insolvency during the Great Depression; and,

WHEREAS, it established or received by bequest the following Christian Social Service Agencies in Allegheny County:

North Side Day Nursery
Epworth Woods Fresh Air Camp
Robert Boyd Ward Home for Children
Goodwill Industries of Pittsburgh
John Munhall Neighborhood House
Bethany House Ministries
Methouse
MUSA
Metowers
Methousing North

All but three of these continue as part of Church Union today; and,

WHEREAS, it oversees the North Side Congregate Feeding Program which distributes over 15,000 nutritious meals each year; and,

WHEREAS, it participates in the County Jail Chaplaincy Program by providing worship leaders and special needs of the Chaplain's Office; and,

WHEREAS, The United Methodist Church Union will celebrate its 100th anniversary at a dinner meeting to be held at the Allegheny Club on Tuesday evening, November 15th, with Bishop George W. Bashore and other religious and civic leaders in attendance.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh congratulates The United Methodist Church Union on the celebration of its 100th anniversary and commends all those whose hard work and efforts have made this Centennial anniversary possible.

MR. ONORATO moved to adopt the resolution.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

MR. HERTZBERG PRESENTS

No. 1238 WHEREAS, on November 13, 1994, the Sisters Servants of the Immaculate Heart of Mary will celebrate their Sesquicentennial at Saint Mary of the Mount Church, Grandview Avenue, Mt. Washington with a Liturgy at 11:30 A.M. followed by a reception at Sullivan Hall, Bingham Street, Mt. Washington; and,

WHEREAS, the first Motherhouse for Sisters, Servants of the Immaculate Heart of Mary was established in Monroe, Michigan in November 1845, the second in West Chester Pennsylvania in 1859 and the third in Scranton, Pennsylvania in 1871; and,

WHEREAS, the first Sisters, Servants of the Immaculate Heart of Mary mission was established in Pittsburgh, Pennsylvania at Saint Mary of the Mount, Mount Washington, in 1910 with additional missions in the Pittsburgh area established at Saint Rosalia's, Greenfield and Saint John the Baptist, Plum Boro; and,

WHEREAS, during the greater part of the past century the Sisters, Servants of the Immaculate Heart of Mary, have served as educators and social workers, fashioned according to the pattern of the mind and heart of Christ and His Immaculate Mother, and dominated by one supreme motive -- to win souls for Christ and to widen the frontiers of Christ's Kingdom on earth.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh congratulates the Sisters, Servants of the Immaculate Heart of Mary on their Sesquicentennial and their dedicated service to thousands of people in and around the City of Pittsburgh.

MR. HERTZBERG moved to adopt the resolution.

MR. CUSICK seconded the motion.

Which motion prevailed.

MR. O'CONNOR PRESENTS

No. 1239 WHEREAS, Madeleine Sabo, as a crossing guard, has dedicated 21 years to the safety and well-being of children walking to and from Colfax Avenue School in Squirrel Hill; and,

WHEREAS, Madeleine, regardless of the weather conditions, always had a kind word and warm smile for the kids, teachers and neighbors -- even strangers just passing by; and,

WHEREAS, Madeleine is also a devoted wife to Ernie, loving mother to Gerard and Bill,

proud mother-in-law of Sandy, and adoring grandmother of Alyssa; and,

WHEREAS, Madeleine, upon her retirement, will leave for Florida to cheer on the Miami Dolphins and her favorite quarterback, Dan Marino;

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby join with the students, faculty and friends of Colfax Avenue School in wishing Madeleine Sabo good health and much happiness as she embarks on a new journey in life after many years of bringing joy and laughter to so many people, and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh does hereby proclaim Friday, November 4, 1994, as Madeleine Sabo Day in the City of Pittsburgh.

MR. O'CONNOR moved to adopt the resolution.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

MR. O'CONNOR PRESENTS

No. 1240 WHEREAS, St. Francis Central Hospital is celebrating its twentieth year with an annual Employee Service Awards dinner on Monday, November 7, 1994; and,

WHEREAS, 113 employees, which is 22% of the hospital's work staff, will be recognized for their outstanding dedication and loyal service to the hospital; and,

WHEREAS, St. Francis Central Hospital, a member of the St. Francis Health System, is a highly respected acute care teaching medical facility located in downtown Pittsburgh; and,

WHEREAS, St. Francis Central Hospital offers comprehensive medical and surgical specialties provided by 350 physicians;

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh hereby joins with St. Francis Central Hospital in congratulating the recipients of this year's Employee Service Awards and commending them for their hard work and invaluable service to both the hospital and members of the Greater Pittsburgh community.

MR. O'CONNOR moved to adopt the resolution.

MR. ONORATO seconded the motion.

Which motion prevailed.

The Chair:

Now I would like to move to Presentation of Papers.

MR. COHEN PRESENTED

No. 1241 Resolution authorizing the transfer of Twelve Thousand Dollars from Code Account Public Safety Training Academy Trust Fund (PSTA), to Code Account Community Oriented Policing Trust Fund (COP).

Which was read and referred to the Committee on Finance.

Also,

No. 1242 Resolution providing for an Agreement or Agreements with a consultant or consultants to establish a volunteer program for the Community Oriented Policing Program at a cost not to exceed $33,800.00, chargeable to and payable from Code Account Community Oriented Policing Trust Fund (COP), Bureau of Police, Department of Public Safety.

Also,

No. 1243 Resolution providing for a Contract or Contracts; or the use of existing Contract or Contracts; or Agreement or Agreements for the purchase of an Electronic Telephone System, to include hardware, software and installation for the Emergency Operations Center, and providing for the payment thereof. total cost shall not exceed $15,000.00, chargeable to and payable from Code Account ETATF, Department of Public Safety, Emergency Operations Center.

Also,

No. 1244 Resolution providing for Contract or Contracts; or the use of existing Contract or Contracts; or Agreement or Agreements for the purchase of a multi-channel VHF radio transmitter for the Emergency Operations Center and providing for the payment thereof. Total cost shall not exceed $11,000.00, chargeable to and payable from Code Account PEMA, Department of Public Safety, Emergency Operations Center.

Which were severally read and referred to the Committee on Public Safety.

MR. COHEN moved to suspend Rule 8 by providing for consideration of the bills only until or after the calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

MR. CUSICK PRESENTED

No. 1245 Resolution providing for the issuance of a warrant in favor of Ground Technology, Inc., in the amount of $7,325.78 for final payment of a contract to investigate the landslide occurring on the slope above Voskamp Street and to develop for stabilizing the slope; and providing for the payment of the cost thereof, charging the same from Code Account EC94-210.

Which was read and referred to the Committee on Finance.

MR. O'CONNOR PRESENTED

No. 1246 Resolution providing for a Contract or Contracts or the use of existing Contracts, for the purchase of radios, base stations and related equipment for use by the Department of Public Works and other City Departments, in an amount not to exceed $125,000.00, and providing for the payment thereof.

MR. O'CONNOR moved to suspend rule 8 by providing for consideration of the bill only until or after the calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

MR. COHEN seconded the motion.

Which motion prevailed.

Also,

No. 1247 Resolution providing for agreements to occupy space for the Community Oriented Police Mini-Station program and providing for the payment of utilities, not to exceed $100.00 per month per occupied space and the renovation and/or modification of the occupied spaces upon the approval of the owner of said space.

Which were read and referred to the Committee on General Services.

The Chair:

What is the address of that property?

Ms. Johnson-Wasler:

This is for various mini-stations; it's not any particular one.

The Chair:

Very good.

In conjunction with the previous bill, could we get an update on all the various leasing commitments that we have outstanding with the various Community Oriented Policing Stations, please.

Ms. Johnson-Wasler:

Yes, sir.

The Chair:

Councilman Onorato, Committee on Finance.

Mr. Onorato:

Mr. President.

The Chair:

Thank you, Mr. Onorato.

MR. ONORATO PRESENTED

No. 1248 Resolution providing for the issuance of a $949.00 warrant in favor of Angelus Convalescent Center in settlement of claim for sidewalk damage, charging same to Code account No. 46, Judgments.

Also,

No. 1249 Resolution repealing Resolutions, approved on various dates, authorizing the sale of properties in various wards of the City of Pittsburgh, in accordance with Act No. 171 of 1984.

Which were read and referred to the Committee on Finance.

MR. RICCIARDI PRESENTED

No. 1250 Resolution granting unto Robert L. Easley, 649 Perry Street, Pittsburgh, Pennsylvania, 15219, his successors and assigns, the privilege and license to construct, maintain and use at his own cost and expense, a metal canopy in a portion of the right-of-way on 649 Perry Street in the 5th Ward, 6th Council District of the City of Pittsburgh.

Which was read and referred to the Committee on Public Works.

MR. SMITH PRESENTED

No. 1251 Resolution authorizing the URA to acquire that property in the Greater Hazelwood Redevelopment Area, in the 15th Ward of the City of Pittsburgh, owned by Commercial Credit Corp. and designated as Block and Lot 56-P-252.

Also,

No. 1252 Resolution approving execution of contract for disposition by Sale of Land by and between the URA and Glen Hazel Citizens Association for the Sale of Block and Lot 56-P-252 in the 15th Ward for $15,000.00 plus costs in the City of Pittsburgh (Residential Rehabilitation)

Also,

No. 1253 Resolution authorizing the URA to acquire that property in the Greater Hazelwood Redevelopment Area, in the 15th Ward of the City of Pittsburgh, owned by Kevin Mooney and designated as Block and Lot 56-C-234.

Also,

No. 1254 Resolution approving the sale of Block and Lot 56-C-234 in the 15th Ward of the City of Pittsburgh by and between the URA and Glen Hazel Citizens Association for $6,500.00 (Residential Rehabilitation)

Also,

No. 1255 Resolution authorizing the URA to acquire that property in the Greater Hazelwood Redevelopment Area in the 15th Ward of the City of Pittsburgh, owned by Saverio Strati, Jr., and Joseph S. Strati and designated as Block and Lot 56-J-233.

Also,

No. 1256 Resolution approving the sale of Block and Lot 56-J-233 in the 15th Ward of the City of Pittsburgh by and between the URA and Glen Hazel Citizens Association for $9,000.00 (Residential Rehabilitation)

Which were severally read and referred to the Committee on Planning, Housing & Development.

MR. SMITH moved to suspend Rule 8 by providing for consideration of the bills only until or after the calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

MR. RICCIARDI seconded the motion.

Which motion prevailed.

THE CHAIR PRESENTED

No. 1257 Communication from Jacqueline Morrow, City Solicitor, submitting the quarterly report of the settlement of small claims not exceeding $750.00 from the Third Quarter of 1994, payable from Code Account No. 1081, Petty Claims. Also, a quarterly report of the settlement of claims in excess of $750.00 for the Third Quarter of 1994, payable from Code Account No. 46, Judgments.

The Chair:

We need a motion to receive and file.

Mr. Cohen:

So moved.

MR. SMITH seconded the motion.

The Chair:

It has been moved and seconded. All in favor?

WHICH MOTION PREVAILED.

UNFINISHED BUSINESS

The Chair:

Moving on to Reports of Special Committees, or Unfinished Business.

THE CHAIR PRESENTS

No. 1206 Resolution appointing Andrew Clayton Hughey, 5821 Walnut Street, Apartment 33. Pittsburgh, PA 15232 to the Minority and Women Business Enterprise Review Committee for a term to expire on April 30, 1996.

Which was read.

Also,

No. 1208 Resolution appointing Richard Bellasario, 1232 Wareman Avenue, Pittsburgh, PA 15226 to the Minority and Women Business Enterprise Review Committee for a term to expire on April 30, 1998.

Which was read.

Also,

No. 1209 Resolution appointing Gregg M. Kander, Esquire, 5432 Dunmoyle Street, Pittsburgh, PA 15217 to the Minority and Women Business Enterprise Review Committee for a term to expire on April 30, 1998.

Which was read.

Also,

No. 1210 Resolution appointing Clarence F. Curry, Jr., 200 Richard Lane, Pittsburgh, PA 15208 to the Minority and Women Business Enterprise Review Committee for a term to expire on April 30, 1998.

Which was read.

The Chair:

You have heard the reading and title of the four bills regarding the appointments to the MBE/WBE Committee. We have interviewed the individuals. What is the pleasure of the body? Discussion? Is there a discussion on the --

I would like my comments brought forward on the appointments.

Also, I would like the record to reflect the communication from Mayor Murphy regarding the mission and goals and objectives of the revised newly created MBE Committee.

Others would like their comments brought forward?

Mr. Onorato:

Yes.

The Chair:

Please bring all the comments forward.

(REMARKS – SEE ADDENDUM)

The Chair:

You have heard the reading and title of the bills, there is no other discussion. We will call the question now. Roll call vote.

And on the question, "Shall the appointments pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Smith
Mr. O'Connor	Mr. Ferlo
	(Pres't)
AYES 8	NOES none

And a majority of the votes of Council being in the affirmative, the appointments passed finally.

The Chair:

On behalf of Council, we would like to thank the individuals for volunteering their time and expertise to a very important committee of City government.

Regarding Special Committees, Councilman Cohen, do you have any kind of an update for us regarding the rate consideration; are we preparing the resolution at this point?

Mr. Cohen:

Yes, the consultants and Ashley Schannauer in the Law Department and Deborah Miskovich, the head of General Services, are working on that now. I will have a more thorough briefing prepared for next week when they get it to me.

The Chair:

Very good. Thank you very much.

Regarding other Special Committees. We had a lengthy post agenda meeting this morning on an issue involving the HOV Lane through the Wabash Tunnel, the reopening of the Wabash Tunnel, the construction of a bridge and how that bridge is going to be constructed, both on the Station Square side, with the controversial loop, as well as where exactly the bridge will set down on the City side. Right now it is scheduled, as we all know, at Market Street and Fort Pitt Boulevard.

I would like to suggest that we move expeditiously next week on the actual easement legislation, but since we have a separate bill that would come to us, which would be several months from now, and that is the actual Cooperation Agreement with the Port Authority on the reimbursement, construction wise, for the actual Market Street/Fort Pitt Proposal, that we use that as an opportunity to be a little more present in the discussions regarding both the configuration of the loop at the Wabash Tunnel side, as well as where and exactly in what manner the bridge would set down on the City side in the Downtown corridor.

I would like to suggest that Councilman Cusick, if he is willing, help chair a subcommittee, since he is Chairman of Engineering and Construction. I am sure Mr. Hertzberg would want to be on that committee, very active in Station Square matters and much of the corridor that is proposed after you leave Wabash goes through pretty much all of his District, through Sheraden, East Carnegie. I am sure others may want to participate, Councilman Smith, representing formally the Downtown corridor.

If there is no objection, I would like to officially ask that subcommittee be formed and meet, not only with us as Council; I would like to ask that Senator Wagner participate, since he is very, very clear and opinionated on this issue; I think he was very constructive at the public hearing this morning. Obviously this committee would want to work directly with the Port Authority, in particular, and PennDot, SPRPC and our own City agencies, the Planning Department and Engineering and Construction.

Are there any objections or other concerns regarding this? Mr. Cusick.

Mr. Cusick:

I would just like to, if I could for a second, thank you and the rest of my colleagues for attending this morning's public agenda. I think there was some good dialogue; I think our concerns were very much felt by the Port Authority and very much will be considered.

I think it is important that the public understand that the loop that is in question is not etched in stone, that design is not etched in stone, and that I think the cooperation between Forest City, which owns the land that Station Square currently sits on, and the Port Authority and this branch of government, are willing to work together to try to come up with another plan, and that is our hopes, that we could play a part in that.

I agree very much with you that we should move on the easement next week, and we will have more say so when the Cooperation Agreement comes to this body.

I look forward to working with any of the Councilmen that would like to participate in the committee; I am sure Mr. Hertzberg and Mr. Smith and also you, Mr. President, if you would. We will be notifying the Forest City people, the Port Authority and hope to meet within 10 to 14 days.

The Chair:

Very good. If you would let us know of any kind of a meeting schedule and work with the Clerk's Office in helping to establish any subcommittee meetings.

Mr. Cusick:

Thank you.

The Chair:

Any other comments on the issue of the post agenda this morning or relative to this subcommittee?

If not, I would like to move to Reports of Committees, calling on Committee on Finance, Councilman Onorato.

REPORTS OF COMMITTEES

Mr. Onorato:

Mr. President.

The Chair:

Thank you, Mr. Onorato.

MR. ONORATO PRESENTED

Bill No. 1258

Report of Committee on Finance for November 2, 1994, transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 1185

A Resolution entitled, "Resolution PROVIDING FOR THE ISSUANCE OF A WARRANT IN THE SUM OF $22,500.00 TO EDWARD J. GILLETT C/O EDWARD H. WALTER, ESQUIRE, JUBELIRER, PASS & INTRIERI, 219 FORT PITT BOULEVARD, PITTSBURGH, PA 15222-1576, IN FULL AND FINAL SETTLEMENT OF THE ACTION FILED AT GD93-049, ALLEGING PERSONAL INJURY AND PROPERTY DAMAGE SUSTAINED DUE TO AN AUTOMOBILE ACCIDENT AT MT. PLEASANT ROAD AND COLBY STREET ON OR ABOUT JANUARY 11, 1991."

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Smith
Mr. O'Connor	Mr. Ferlo (Pres't)

AYES 8 NOES none

And there being two-thirds of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 1186

Resolution entitled, "Resolution providing for new and/or existing Agreement(s) and/or Contract(s)

for the provision of analysis, design, development, programming, and/or training services in conjunction with the feasibility, development, enhancement or implementation of automated systems for various City Departments and providing for the payment of the costs thereof."

Which was read.

Also,

Bill No. 1215

Resolution entitled, "Resolution AUTHORIZING the transfer of Seventy thousand Dollars ($70,000.00) from Code Account 1443-3, Index Code 144337, Salaries and Wages, Regular Employees, Bureau of Police to Code Account 1443-6, Index Code 144360, Police In-Grade, Bureau of Police."

Which was read.

Also,

Bill No. 1216

Resolution entitled, "Resolution AUTHORIZING the transfer of Three Hundred Thousand Dollars ($300.000.00) the from Emergency Medical Services Reimbursed Events Trust Fund (EMSRETF), Index Code 251819, to the Emergency Medical Services Trust Fund (EMSTF), Index Code 251785 for reimbursement of special event wages paid from EMSTF."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Smith
Mr. O'Connor	Mr. Ferlo (Pres't)

AYES 8 NOES none

The bills having received the legally required number of votes are passed finally.

MR. RICCIARDI PRESENTED

Bill No. 1259

Report of Committee on Public Works for November 2, 1994, transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 1189

A Resolution entitled, "Resolution granting unto the Civic Light Opera, The Benedum Center, 318 Oliver Avenue, Pittsburgh, Pennsylvania, 15222, their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, a double sided banner and two posts attached to the front of the building in the 2nd Ward, 6th Council District of the City of Pittsburgh."

Which was read.

Also,

Bill No. 1191

A Resolution entitled, "Resolution granting unto Integra Bank, 1550 Beechview Avenue, Pittsburgh, Pennsylvania, 15216, their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, a handicap ramp in a portion of the right-of-way at 1550 Beechview Avenue in the 19th Ward, 4th Council District of the City of Pittsburgh."

Which was read.

Also,

Bill No. 1193

A Resolution entitled, "Resolution changing the name of Ridge Avenue between 1300 and 1400 blocks of Ridge Avenue (from Chateau Street to Reedsdale Avenue) and the 700 block of Chateau Street (from Reedsdale Avenue to Ridge Avenue) to North Point Drive located in the 21st Ward, 6th Council District of the City of Pittsburgh."

Which was read.

Also,

Bill No. 1194

A Resolution entitled, "Resolution vacating a portion of George Way between Columbus Avenue and Lake Street in the 21st Ward, 6th Council District of the City of Pittsburgh."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Smith
Mr. O'Connor	Mr. Ferlo (Pres't)

AYES 8 NOES none

The bills having received the legally required number of votes are passed finally.

The Chair:

That concludes our Reports of Committees.

MOTIONS AND RESOLUTIONS

The Chair:

Under Motions and Resolutions. I would like to raise one issue. As you know we do have a formal Budget Address from Mayor Murphy next week, Monday, November 14th, here at 10 a.m.; it will be the opening actually of our Legislative Meeting. As has been the tradition in City Hall for many years, we welcome the Mayor into Chambers to formally deliver his formal Budget Message and preliminary budget document to City Council, in which case we turn it over to Councilman Onorato, as Finance Chair, and the rest of you and all of us and we begin our work on the budget.

I would like to ask that the Administration formally consider the request of a number of groups. I have spoken to a number of Councilmembers, and this concerns some commitment from the Administration on the continuation of what I best could describe as a safety net, specifically for the Hunger Trust Fund, the food pantry groups that exist around the City, as well as three service organizations that have become really a very important or an integral part of the Public Safety Budget, that is the Pittsburgh Action Against Rape and the Women's Center and Shelter and the Center for Victims of Violent Crime, and it is certainly my plea -- I know other colleagues have spoken to them privately -- that in the Mayor's Preliminary Budget Address that he carefully consider what I hope will be Council's commitment and that is continuing our base funding of roughly 292,000 for the Pittsburgh community services, that funds the Hunger Trust Fund at a level of 100,000 on our side, Council's allocation to small grants program that they operate which funds many of the social service/direct service groups, including many that provide services in the public housing communities, as well as the Safety Program, which is the home security and the installation of the deadbolt locks and the smoke detectors and things of this sort, as well the base funding for the three groups that I mentioned.

I would really hope that if the majority of colleagues are sympathetic to this that you please convey your concerns to the Mayor; it is going to be a lot easier if we could reach agreement prior to his Budget Message rather than spend a lot of time amending and possibly vetoing each other's resolutions.

I would hope that we would continue our commitment to the Hunger Trust Fund and the food banks and ask that the Administration match our allocation as has been the tradition in the past. That does not say that we disagree; I certainly don't; I applaud the Mayor's initiative. It has been rumored that part of his Budget Message with the block grant will be allocation of new dollars for recreation and youth activities, as well as development initiatives.

Having said all that, I think we need to continue the important work of the food pantries. So, I would ask that my colleagues please consider being an advocate on this issue and communicate to the Administration prior to his next week, November 14th Budget Address.

Councilman Onorato, I do not know if you have any comments regarding the budget process; I know you have scheduled a number of the public hearings.

Mr. Onorato:

Yes. We sent around a schedule, too, of the preliminary public hearings and if anyone has a problem with it they can talk with me and the City Clerk Linda Johnson and we could work through the scheduling.

In addition to what you just said, Mr. President, I would like to back you up, and I have talked with a few colleagues already. I met privately with Deputy Mayor Cox regarding the yellow dollars, and I agree with you on those particular groups you mentioned, that it would be very helpful if the Mayor will somehow have it in the budget, even if it is from a different source because I understand that there could be other sources because these groups would eventually look for the money either on that side of the hall or this side of the hall, and it is all the same pot of money, and it would be nice to have it on the way over here so we can avoid any dispute over where the money should come from at this point; as opposed to having us try to move the money, if he would put it in for those particular groups, and I think he could still achieve his goal and that is to use the majority of the money for the youth programs, which I applaud, I think it is a great move also, but I think we can do both and move forward with the budget and start off on the right foot.

The Chair:

Very good. Thank you.

Other comments or discussions?

Councilman Cohen communicated a letter to me and to Council, I believe, asking that we -- pursuant to the recently adopted resolution and Rules of Council, we did send out a letter, I think probably a couple hundred notices, to organizations who were seeking either block grant allocation dollars or City Council operating dollar grants and donations. That letter went out over a week ago, I think, or last week, so we may -- that was in relation to their prerogative to formally speak to Council at the citizen participation hearing if they so choose. So that notice went out last week.

Any other comments under Motions and Resolutions? Any other discussion?

Obviously we are all going to vote early and often tomorrow in the General Election.

Councilman Onorato.

Mr. Onorato:

Mr. President, on that very last issue, too, in case any group is listening, and I am sure the letter states this, but let's also make it clear that in no way does showing up increase or decrease your chances of being funded, that is just a chance to be heard, and it appears that any group is only going to have approximately three minutes max. to talk, but in no way is that a requirement to be funded.

The Chair:

I made that clear in the letter to them, but thank you for bringing that up again.

We do need a motion to approve the minutes.

MR. COHEN moved to approve the Minutes of Tuesday, November 1, 1994.

MR. SMITH seconded the motion.

Which motion prevailed.

The Chair:

Are there other matters under Motions and Resolutions?

Councilman Cusick.

Mr. Cusick:

Mr. President, I would like to make a motion to adjourn this meeting to meet again on Monday, November 14th at 10 o'clock.

The Chair:

Very good. It has been moved. Is there a second?

MR. HERTZBERG seconded the motion.

WHICH MOTION PREVAILED.

And on the motion of **MR. CUSICK**

Council adjourned.

(COUNCIL'S COMMENTS ON MBE/WBE COMMITTEE)
(Wednesday, November 2, 1994)

Mr. Onorato:

We are going to start with a pre-agenda. Everyone should have a package in front of them. We have four individuals that have been nominated to be a member of the Minority and Women Business Enterprise Review Committee. We are going to have all four nominees come to the table and ask any questions to any one of them.

So at this time Andrew Hughey, Clarence Curry, Gregg Kander and Richard Bellasario, please come to the table. And when you settle in your chair, if each one of you could give your name and address starting at this end, and please speak into the microphone so the stenographer can hear you. If you have to share that mike, it is fine, you can move it back and forth.

Mr. Kander:

Greg Kander, 5432 Dunmoyle Street in Squirrel Hill.

Mr. Bellasario:

Richard Bellasario, 1232 Wareman Avenue in Brookline.

Mr. Curry:

Clarence Curry, 200 Richard Lane, Point Breeze.

Mr. Hughey:

Andrew Hughey, 5821 Walnut Street in Shadyside.

Mr. Onorato:

I am going to give to everyone, if you want, time for an opening statement; if not, we will go right into questions. But if anyone would like to address Council first, feel free to do so. If not, I am going to ask my colleagues if they have any questions.

Mr. Curry:

I just want to say I did bring a paper down to the Clerk to be distributed. It is a paper I had written several years ago, but I did revise it and

update it.

Mr. Onorato:

I think everyone has it in front of them. Thank you.

Mr. Smith:

I have been very interested in the MBE/WBE committee, as I served on it ten years ago, and we have not seen much forward movement, nor have we seen much success at the program as it has evolved.

I am very interested in the paper that you have submitted to us, but what I really would like to hear very quickly, because we are rewriting the MBE/WBE committee's mission, we are rewriting its policies and we are opening up a greater group of people who will be held liable for the MBE/WBE standard in the City of Pittsburgh.

What is it that each of you feels that you bring that will make this committee, this new direction which is more pro-active as opposed to keeping track of numbers, what is it that you feel you will bring to the committee? And can we count on -- because we have a city employee here, which I find very interesting, Mr. Bellasario. What is it that you will bring to this committee that will assist minority entrepreneurs in getting a level playing field? That is what this is all about, is getting a level playing field. We can just start.

Mr. Kander:

I think what I bring foremost, I am new to the city, I have only been here a year, but already I have developed some loyalty to my community. And I think with that I bring a concern for the city, that I think one of the only ways to stop crime --

Mr. Onorato:

Pull the microphone closer.

Mr. Kander:

-- one of the only ways to stop crime is to give people who have been deprived of opportunities for so long opportunities like a level playing field for them to hire other people who need jobs and positions.

It is more the concern that I bring and no political ties, since I am new to the city, that I feel I can approach it honestly and fairly and do the best I can to make sure that minorities receive the contracts they deserve.

Mr. Bellasario:

As you mentioned, Councilman Smith, I am a city employee, I work with the block grant program, and as part of that program one of our responsibilities is to make sure that we do have MBE/WBE participation. I think that is what I bring to the committee, because the larger portion of the money that is used here is, in fact, block grant money. That is what I bring.

Mr. Curry:

Well, I have been at the Graduate School of Business in the University of Pittsburgh for almost 20 years now, and a significant part of what I do there is to work with small businesses from the development end. I have also been actively involved with the Minority Opportunity Business Committee and the Regional Minority Purchasing Council working as an advocate for minority procurement. I had a variety of experiences. I think I have some ideas about how we can more effectively track and count the dollars that we bring in. We need to makes sure we don't just limit it to purchases and construction. We need to have a very broad approach to this and we need to do some development things to help those businesses get ready to provide quality services to the city.

Mr. Smith:

You brought up a very interesting point, that point is we don't really do very well with professional service contracts. I think we hit 4 percent one year. So I would look for an effort from you to expand and remind everyone that professional service contracts are also a part of this process.

Mr. Hughey:

I am a lifetime Pittsburgher, except for a couple of times where briefly I moved to Wilkinsburg and Duquesne.

Mr. Smith:

We will forgive you.

Mr. Hughey:

I have been from this area all my life. I am a lawyer, I have been practicing for approximately nine years now and I have experience with city government, having served approximately three years on the Civil Service Commission. I am dedicated to equal opportunity and diversity in all aspects of our lives and of the way that city government operates. I think what I would bring would be the smarts and the legal acumen, if you will, in understanding how and what the law permits in these areas. I believe that I could be diligent in making sure that the city does all it can with respect to the whole realm of contracts, including professional services down to purchasing of pens. But the fact that -- or to that the goals are met.

Mr. Smith:

I just want to tell you that this is my favorite committee that exists in government. You will see me pop in, you will get questions from me. I think that we need as a new Administration to show all of the contractors that we are serious, that this is not just something that you can pawn off and there will be no repercussions. If this works, if this new program works -- and it is up to you gentlemen -- if it works, you will see, as you stated, economic change in the minority community. That is what we need, that is what this is addressing. We are expanding it to the Authorities, if we can convince each board. And I will be asking my colleagues who sit on these boards to vote to include themselves with this committee as their review, as they spend taxpayers' money.

I am going to let everyone else have an opportunity, but I am very happy to see that you are willing to give up your time, because this is volunteer. It is sometimes long meetings and some tough decisions. So I just want to say thank you to each of you and I will be pestering you as time goes on.

Mr. Onorato:

Councilman Ferlo.

Mr. Ferlo:

I have had the pleasure of working with some of you over the last many years and I just want to thank the Administration, the Mayor particularly, because I think the appointments that have been made are

outstanding. I think we really for a change have a serious commitment to want to do some things differently, recognizing, I guess what we can best characterize as failures in the past in adequately sharing the pie in this city, and that hasn't been the case.

I am really excited, because knowing some of the background that you have, I perceive and also we received a memo from the Mayor this morning -- we had asked in addition to all of you being here, we wanted some sense from the Administration on what their thinking was and what is going to be different in the future. I think what the Mayor sent out in the memo to us, working in consultation with Councilman Smith, for instance, the one initial change whereby each one of the Authorities -- I sit as vice-chair of the Housing Authority and other colleagues here sit as officers or board members of other Authorities, Water and Sewer, Parking Authority, et cetera -- I think the significant change where this administrative committee would also be asked to review the contract activities, especially in the Housing Authority. We have a whole section, 3, of the federal regs that have never been complied with, as far as I am concerned, that we want to make reform changes there. So I think it is a significant step forward.

I looked very quickly and sort of skimmed Dr. Curry's outline here. I think what is interesting about it is it is beginning to look at not just what are the activities of the committee -- and I would hope that the committee is not just going to sit on a weekly or biweekly basis and kind of confirm the staff activities as far as certifying or not certifying. I think the real issues and what the struggle has to be is some of the criteria you outlined in your paper here, in terms of how do we expand the opportunities and what are the other kinds of opportunities that we need to put in place. For instance, you mentioned as an example for minority firms in the construction business what is the relationship with the building trades and the unions, what is the relationship with whether or not they can get capital materials or capital construction equipment, do they have the capital for the construction equipment. So I guess what I am saying -- and I am pleased at the Mayor's memo today, of Councilman Smith's leadership on this point, as well as looking at all your backgrounds -- I think hopefully what is going to happen this time, which didn't happen before, is that these broader issues of looking at the systemic reasons why there is not a broader share of the piece of the pie are

going to be looked at, and not just be a committee that is going to kind of oversee some percentage of contract either did or didn't get out. That is too simplistic for the depth of this committee.

Do you have any response on that? I guess what I am asking is what is your perception of what you think this committee could or should be in the future that it maybe was not in the past.

Maybe, Dr. Curry, you want to start first? I know your paper outlines a number of criteria that you would like to see city government be more an advocate for.

Mr. Curry:

I think the first thing that has to happen is there has to be a strong, clear, unequivocal statement that the city is serious about this. It has to come from the top, it has to be passed down to everyone who is involved in the buying decision process. What often happens is there is a lot of things said and then there is a wink, or even when there is no wink, the purchasing agent thought they saw a wink and, therefore, they don't take things seriously. So it has to be a strong, loud and clear message. Then we have to convince the entrepreneurs that we are serious about this and that there are some real opportunities for them.

Mr. Ferlo:

Would you be willing to look at -- I think one of the problems is even how we bid out the specific contracts, especially in procurement. It may be that locally or within our area there just aren't MBE/WBE firms, I mean who are actually owned by individuals. I am tired of people fronting for other people, because that happens frequently, not only in the construction trades, but in other areas of procurement.

I guess what I am saying is I hope this committee really can be an advocate for exploring those different issues and giving some leadership to the Administration, the Authorities, to this Council. I would hope also that you will be an advocacy body where you think, in addition to executive orders, where you think legally things need to be changed. Through Councilman Smith's leadership and others, we hope to be able to hear back from you.

Mr. Curry:

There is one legal issue that is not addressed in the paper, and that relates to a Supreme Court decision several years ago, Richmond, Virginia, versus Croson, where a minority set-aside program was declared unconstitutional on the basis that there was no study to document past discrimination. So there probably will be -- well, I know there will be a need for some sort of a disparity study to document the situation here in Pittsburgh.

Mr. Ferlo:

There is also another suit, I think it was Mayor Good in the City of Philadelphia, on set-aside. It was the same issue; the courts saying if you can establish through some type of statistical review and document the actual discrimination, then you have the basis upon law in which to formulate some set-aside. We haven't done that and maybe that is the first thing that we need to do as a municipality. I guess we would ask that you review that and give this Council some direction in that regard.

Mr. Curry:

There is a study that was released a couple of weeks ago by the University of Pittsburgh Office of Urban and Social Research that comes up with some unnerving statistics in terms of the income gaps of blacks and whites in the City of Pittsburgh. The gaps here are among the worst in the 50 largest cities. So that would give us some basis to work to then provide the sufficient documentation that we need to support a minority business procurement program.

Mr. Ferlo:

One other area was mentioned a little bit. The city no longer actually does or sanctions a certification process itself, it just says that if you are already certified by PennDOT, the state, Port Authority, the county or school board, we accept you. That may be well and good; I question whether or not we should keep duplicating other efforts. But I guess what I am concerned about is if I understand the listing, for instance, of the minority purchasing council, oftentimes it just lists vendors in, like, the procurement area or construction or some trade area. It is not clear to me -- and if there is, I am ignorant of it -- if there is a listing of professional service contract

individuals, be they attorneys or accountants, people that would respond more to the professional service contract. Because in that area, there is less contractual constraint than when you do a competitive bid process. In that area, I don't think we have fared well. This is more a criticism of previous administrations as opposed to the current Administration. But I think that would be an area where we have much more leeway in insisting when we do bond work or where we hire some computer firm, what have you. That whole area needs to be looked at by this committee.

Mr. Hughey:

At least as far as attorneys, I am the former president of the Homer S. Brown Law Association, which is the group of black attorneys in town. In conjunction with the American Corporate Counsel Association and the Allegheny County Bar Association, I would say about three years ago, but more recently updated, we developed a minority counsel register so that attorneys who were available to provide services to the corporate community could list their credentials in a single place, in one booklet, notebook form. So that we can identify at least lawyers. At least from my own personal experience I know about that. I also know there is an association of black accountants in town and all of the other professionals. So at least through personal information and contacts, I believe that those groups could be contacted and through some kind of a fair and equitable system, the membership of those groups be able to present their credentials to the city for the appropriate offices who purchase these services to at least consider those individuals when contracts were awarded.

Mr. Ferlo:

I guess what I am saying is it is a two part process. If somebody could first delineate what are all the opportunities under the professional service category, both within city government administration as well as the various Authorities, be they architectural, legal, financial, promotional PR firms. We contract with a minority firm for PR at the Housing Authority. I guess first we need to have a sense of what all is out there, and then in addition to lawyers -- we like lawyers -- but in addition to lawyers, there are architects and others. I guess what I am saying is I don't know that has been pieced together by anybody. Maybe this committee can help give some direction on that.

Mr. Curry:

There are several directories available, including one that was done by the Urban Redevelopment Authority. We'd have to look at them to see whether or not they are really comprehensive, and I think they are. But I think the key here is to generate some success at once. Once the city -- once you start to spend some dollars, the entrepreneurs will come forward.

Mr. Ferlo:

I have been on boards and I sit on several pension boards where I have tried to get the board to contract with minority financial investment advisors and other individuals, and it is the same old chick in the egg argument about, well, if they don't have a track record, they will not get the work. Well, if you don't make an opportunity, they are not going to get a track record, they are not going to get the work. So I guess that is an area also I think the committee needs to look at. There is a fear, maybe it is a fiduciary fear, maybe it is just a fear, whatever the fear is, where if somebody doesn't have an established track record, individuals are hesitant to want to provide professional service opportunities. I don't care if it is computers to financial counseling to whatever. I mean, there seems to be that problem. You go to any other major urban area and the African American community in particular is far more present in the commerce life of the city. Pittsburgh has got to be one of the lowest levels of activity of commerce. I think we have to be frank in stating that.

Mr. Curry:

I think there are things that we can do, like joint venturing.

Mr. Onorato:

You have to use the microphone.

Mr. Curry:

There are things that we can do like joint venturing to get minorities involved with larger firms on something like a bond issue.

Mr. Cohen:

I want to congratulate all of you for being

nominated by the Mayor to this very important committee. I happen to know Mr. Kander personally and know him to be a real professional and somebody who is a man of integrity. I am glad that you were nominated to the board.

Mr. Bellasario, of course, we have worked together for several years with you at the Planning Department.

Mr. Curry, I have enjoyed listening to you and reviewing your paper. You are obviously an expert in this field and I think would be a terrific asset to this city.

Mr. Hughey, although I don't know you personally, in looking at your resume, you are obviously somebody who could make a real contribution, I think specifically in the professional services area because you are a professional yourself, and that is an area, as Councilman Smith said, that has been sorely neglected in terms of monitoring minority participation.

I also want to just comment briefly on the memo that we just received from the Mayor and thank the Mayor for drafting the memo and for making some commitments with respect to MBE/WBE. I look forward to seeing the legislation prepared that will broaden responsibilities about this area. And particularly to commend Councilman Christopher Smith on his leadership on this City Council in this area. I know that he had a very important role in working with the Administration in coming out with this policy. As he says, there are areas that really are neglected; all the Authorities. The URA, of course, has had some monitoring, but it needs to be I think more rigorous. All the other authorities need to be brought in, professional services, of course. In my experience at least with the city here, I don't believe we monitor any contracts under $10,000.00. The monitoring we do for contracts over $10,000.00 is not as rigorous as it should be. So hopefully that will be added to the mix, as well.

I would like to see a disparity study, Mr. Curry, and not just -- I know you weren't implying this -- but not just to make sure we are constitutional in our efforts, but also to educate the public about how great the disparity is, as you say so well at a time when the University of Pittsburgh came out with a study that shows that our economic clout of our minority community is so low compared to other cities in the country.

One of the things that I have learned in working with our MBE/WBE department and also learning from Councilman Smith is that this is a science, not an art, and that it requires rigorous monitoring, it requires disparity studies, it requires educating the public. And I think we need to really make it a science here in the City of Pittsburgh and not keep looking at it as just something that will somehow improve itself, because I don't think that is going to happen. There are serious barriers to minorities in business in the City of Pittsburgh and those barriers need to be lowered.

I thank you very much for contributing to this. I think some people who may be watching think that people who serve on our committees like the MBE/WBE committee are paid; you are not paid. If you didn't realize that beforehand, I hope you still want to serve. But you are doing this volunteer and you are doing this because you care about the City of Pittsburgh. For that, I want to thank you.

Mr. Cusick:

Thank you, Mr. Chairman.

I want to thank each and every one of you for coming here today and speaking with us, but more importantly for taking the time out to participate in this committee. I look forward to working with you, your committee, and Councilman Smith, because I know his involvement, as chair of Engineering and Construction, and how he closely watches. He really takes this committee and this very seriously. I look forward and if there is anything that I can do to help as you review the certification, the labor policy and so on as you move on. I thank you again.

Mr. Hertzberg:

Thank you, Mr. Chairman.

I congratulate the four of you. I thank the Mayor for putting in front of us very competent, qualified people for this particular committee. I thank the four of you for agreeing to volunteer your time today and in the future to benefit the people of the City of Pittsburgh.

I am concerned with minority businesses, I am concerned with women businesses also. I have heard more about minority, though, then women, so far. I was just

wondering, I was interested to see what you have written up here on the potential and even the current abuse of the whole system, Professor Curry. I was wondering if we switch a little to the women area if anyone had any comments on what they would see as ideas to try to get more women businesses involved in the whole city process. Anybody?

Mr. Kander:

I am also a lawyer and I have seen the disparity at law firms between male and female partners. I have noticed in the city recently, I think there have even been some women-owned law firms that have spun off from other firms. I think those firms need to have the opportunities to develop their business and to encourage their daughters to become lawyers, so on, and they must have the same opportunities. Again, that is in the professional service area, which I think it has been neglected in the past and something we need to focus on.

Mr. Hertzberg:

Anybody else care to comment?

Mr. Curry:

I think the certification issues and the management issues are pretty much the same for women business owners as they are for ethnic minorities. Often we use "minority" in the broadest sense to mean ethnic minorities and women. I think women do often have different management styles, so the business development issues may be a little different, but from a policy perspective, I think we can have an inclusive policy that includes both groups.

We do have to be careful, I think, to not get into a divisive situation where we have competition between groups in terms of who gets how much.

Mr. Hertzberg:

Thank you.

Mr. O'Connor:

I was very pleased to hear, especially your two remarks about the law firms and how to successfully integrate them. I am probably thinking on the lines of bond issues. We have had a lot of controversy here on Council, like ABC company I understand in New York will

always beat XYZ in Pittsburgh by maybe small numbers, big numbers. So I always would like to see it in Pittsburgh. But most of that work is very cut and dry. I don't know that one minority, whether it be women or black owned, there are that many, but you bring up an interesting topic. I think if we are going to do XYZ Company, the law work could be funneled through a minority or women. I think that is a direction that would put a lot of people to work, you could get a nice piece of the work, the money, city money, state money, federal money, whatever there is. I think that is a better way to pursue it and try to put people to work, as opposed to owning this big company and going into competition with banks, PNC that has been in business for 100 years.

Do you see that as a --

Mr. Hughey:

I think as far as legal services, bond work is one are that a lot of minority attorneys have gotten I believe feet through municipalities and nonprofit corporations and other entities that float bonds nationwide. I think there is a lot of different levels -- I don't know that much about the legal intricacies or lack thereof doing the bond work, arbitrage and things like that, I know the words, but I am not that well-versed in what is done. But I do know there is different levels of counsel, and this is a situation where the thing that Clarence Curry mentioned could work in; joint venturing between different levels of law firms. The attorneys could get that experience, as Councilman Ferlo had mentioned, to get their foot in the door and avoid that catch 22 or chicken and egg situation where they will have a track record of doing bond work.

I happen to know there are some minority attorneys in town who have already done bond work.

Mr. O'Connor:

I think that is something you ought to monitor for us. I know Councilman Smith is very active, but it is like here a day before we vote for something, we can't be tracking who is doing all the leg work and who is getting part of the business. If you were on top of that early enough to make sure the companies, big companies or small companies, included minorities, it would be an asset and get your foot in the door, more so that you are always going to be part of it after you are

successful at it.

Mr. Curry:

One thing that I hope this committee will be able to contribute in that area is we don't want a joint venture to be simply a fee sharing arrangement; it is not just a matter of giving a minority a piece of the commission. You want a joint venture to be a true development to where after two or three of these deals, the firm will have gained experience and the contacts and the financial wherewithal to do it directly, to do it on their own. So we want to use this as a development tool, not just as a way of passing off a piece of the commission.

Mr. O'Connor:

I think I agree with you. If this group would do a good job at it, then why would you only be called upon to do government work? In other words, if XYZ company calls you for a bond issue because Chris Smith is paying attention and watching for it, is that the only time you are going to be hired by XYZ? There should be a track record that XYZ also include you on whatever.

So I think it is up to you to monitor that and to challenge to make sure you not only get your foot in the door, but you become an equal part of these big companies where you can put people to work.

One problem I have, though -- and I don't know if we are really fighting -- in my couple years here, everybody seems to -- take purchasing. A new company, women or minority, to sell pens to the city. Starting out, who is going to buy an inventory of 100 pens, as opposed to XYZ company who has been doing it for 100 years and has clients over the country will certainly under-bid any new entrepreneur? I realize everyone seems to be hung up on making sure they do business with that minority company, but I think we are missing the boat, where the big company who has the contracts and the ability and has been established and can get the best price, how many minorities work for that company, including contractors. We can be out hiring a black contractor who has all white carpenters. I don't think that helps. The real problem is jobs. I think somebody should be paying attention to how many jobs; if we are doing business with a company, how many minorities do they have working with them. Too much emphasis is made, in my opinion -- and I would like your response -- on

who owns the company and not is it funneling down.

Mr. Hughey:

I agree.

Mr. O'Connor:

Am I close or off base?

Mr. Hughey:

You make an excellent point. I think that is something this committee would want to look at in either reviewing the certifications of other entities or perhaps doing our own certifications.

Mr. Curry:

A couple points. First of all, many times firms have to make management decisions about how much of the work to do in-house and how much of the work to sub out. So if we are talking about doing business with large majority owned corporations, we need to know how much they are subbing out and how many of those subs are minority. But if they choose not to sub out and do most of it in-house, then we need to also look at who is doing the work in-house.

We also, quite honestly, need to look at some of these minority firms, too, to make sure they are doing their fair share in employing other minorities.

Mr. O'Connor:

See, that is my point. If the minority owner isn't hiring minorities, who is getting the benefit?

If we look at Crawford Roberts, when we went up there, Mr. Ferlo, we went up there looking and half the license plates were people from West Virginia. Not only they weren't Pittsburghers, we were investing all this government money and we couldn't even get the small starter jobs.

If we start doing business in neighborhoods and local owned or people work, live and work in that neighborhood, everyone is going to benefit. I think somewhere we are missing the boat from higher government. They think just because we are going to give it to a minority -- how many fronts are minorities and nobody knows who is getting it? If there are 100

employees, there is no benefit. I would like the organization -- at least that is what my emphasis is. You are better off with any business if they would hire 25 percent minority, it might be a lot better than hiring just a minority owner to weigh the balance, to see that the person just getting out of high school or whatever is getting an opportunity.

Mr. Curry:

I wanted to respond to one other point you made earlier. You spoke about the women or minority owned business often being at a disadvantage in terms of price. But with some work with the suppliers, the contractor, the minority contractor, can often get a better price. If you are buying pens in cases of 12, you are going to be quoted one price; if you need a truck load to supply the city, you will get a different price. We need to help the minorities develop their relationship with suppliers so they can get the kind of price they need to do business with large organizations like the city.

Mr. O'Connor:

There are companies willing to do that. You may have to take them to the distributor, but it is very tough to get in. They are going to need that support, I agree with you.

Mr. Onorato:

Let me end by saying thank you for being willing to serve, obviously as Councilman Cohen said, a non-paying job, a very important committee.

I want to just elaborate on I think what Mr. Curry said earlier. I strongly believe that if we require, for example, with the bonds that we do and put the 25 percent minority participation in the bids that go out and that we demand it, that we will create a market and you will see minority firms created. If there is no market, there is no incentive for the firms to be created. It is a catch 22. We have people and professionals and experts come to the table and consistently tell us, "There are no minority firms out there that do it. How can we do it?" As far as we are concerned here, with Councilman Smith's leadership, that is not a good enough answer. Go out and find it. As everyone knows that is in the business field, profit will drive what is developed. If we open the door and allow participation from all segments of society, you

are going to see firms come up.

I think Councilman O'Connor brings up a very good point. Using whatever example, a pen company, you can still look at who gives us the lowest price and reward a company if they can come in and say, "50 percent of our employees are from minority communities." I think they should be rewarded for that if they can show a track record of where the dollars are actually going and providing work.

Everyone saw the report that came out about a week ago and the unfortunate and disgraceful numbers for this region for the minority community.

So I think there are several ways to monitor who is really doing stuff in the minority community. I will just point to the example with all the banks. Ten years ago you couldn't even find a bank, one of the big banks doing business with the city that were investing in our neighborhoods, particularly the minority neighborhoods. Now using the stick of government and the money that we have, you see a lot of good loans being made in minority communities because we as a body and the Administration said, "Listen, we have a lot of money and it is all of our money, it is tax dollars. We want to see some investments made in the city that is paying these dollars," and we see the results. So I think there are several ways to use the club, and I ask that you monitor that from every angle and not just based on the ownership percentage. I think you made that very clear in your paper, Mr. Curry. I look forward to seeing the reports and suggestions from the committee.

Any other questions? Thank you. I think we will have a final vote on Tuesday.

(End of remarks.)
Transcribed by: Helen L. Kriebel
Stenotype Reporter

City of Pittsburgh

Tom Murphy, Mayor

MEMORANDUM

TO: MEMBERS OF CITY COUNCIL

FROM: MAYOR MURPHY

DATE: NOVEMBER 1, 1994

SUBJECT: MBE/WBE INITIATIVES

The purpose of this memorandum is to outline my proposed plan for restructuring the City's MBE/WBE policies and procedures. First, I am committed to revising the membership and broadening the mission of the MBE/WBE Committee. Currently, the Committee's oversight is limited to projects assisted by the Urban Redevelopment Authority that have a total development cost in excess of $250,000. Neither the City nor any of the Authorities (Stadium, Housing, Parking, Water, and Equipment Leasing) are required to prepare MBE/WBE plans for the MBE/WBE Committee. For URA projects, the Authority staff in conjunction with the developers, prepare an MBE/WBE plan in accordance with the Mayor's Executive Order. This plan is presented to the MBE/WBE Committee for review and approval.

I intend to have legislation prepared that would broaden the responsibilities of the MBE/WBE Committee to include the review of plans for all Authorities and City Departments. The Law Department is currently reviewing the existing MBE/WBE legislation and determining how the expanded responsibilities can be incorporated. It is my goal to have City legislation and Authority resolutions pertaining to the MBE/WBE Committee prepared within the next two weeks.

Please note that each individual Authority would have to pass resolutions creating MBE/WBE approval requirements. Although I do not have direct authority over these institutions, please be assured that every effort will be made to ensure their cooperation with these efforts.

In conjunction with these proposed revisions to the MBE/WBE Committee, I intend to create and expand financing, educational, and technical assistance programs for minority and women-owned businesses. Presently, my staff is working with the URA on such initiatives with the Black Contractor's Association.

Finally, I am reviewing other MBE/WBE initiatives such as an affirmative labor policy and mandatory pre-bid conferences with MBE/WBE contractors for larger projects. The affirmative labor policy may be undertaken as part of my Administration's youth initiatives.

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It is hereby further directed that following the close of calendar year 1992, the record of participation by small and disadvantaged business enterprises will be evaluated to determine if sufficient numbers of such businesses are being represented in the award of City contracts. If at that time adequate representation has not been achieved, the City will conduct a disparity study in order to determine whether stronger measures may be implemented.

SOPHIE MASLOFF, MAYOR

November 16, 1990

CITY OF PITTSBURGH

SOPHIE MASLOFF, MAYOR

EXECUTIVE ORDER

The City of Pittsburgh is committed to the ideal of giving all citizens an equal opportunity to participate fully in its economic life. The City recognizes that small and disadvantaged businesses, such as minority and women's business enterprises, often face unique difficulties which hinder their ability to take advantage of available economic opportunities, including the opportunity to render goods and services to the City. Discussions were held with members of the community, the Minority Business Enterprise Review Committee and the Pittsburgh Commission on Human Relations to review our present practices and procedures considering the specific problems and obstacles which small and disadvantaged businesses most often encounter in obtaining contracts and competing in today's business world. In order to encourage economic diversity while treating all citizens with an even hand, I hereby direct that the following action be taken to increase opportunities for small or disadvantaged businesses in the City of Pittsburgh.

1. It is directed that the Director of the Department of General Services propose amendments to Chapter 161 of the Pittsburgh Code, entitled Contracts, with respect to the following:

 a. defining the term "lowest responsible bidder" to include the requirement that such bidder must demonstrate a commitment to the ideal of equal opportunity for all citizens ("EO Commitment");

 b. providing that bid bonds will not be required for construction contracts or contracts for the furnishing of materials, equipment, supplies or services if the contract amount is less than $200,000, and

 c. providing that, except where otherwise required by applicable state statute or federal regulation, a letter of credit can be provided in lieu of a performance bond.

2. The City has and will support proposed amendments to the Pennsylvania Public Works Contractors' Bond Law of 1967 (8 P.S. §191 et seq.) which would provide that a letter of credit or other security can be provided in lieu of a performance and/or payment bond. Additionally, the City shall submit to the General Assembly proposed amendments to such Law which would provide that the contract amount be increased from $5,000 to $25,000 for public works projects wherein a 100% performance bond and 100% payment bond is required.

 When such amendments are finalized, the Director of the Department of General Services shall propose amendments to Chapter 161 of the Pittsburgh Code, entitled Contracts, which shall a) provide that letters of credit can be accepted in lieu of a performance and/or payment bond and b) raise the contract amount to $25,000 for public works projects wherein 100% performance and payment bonds are required.

3. It is directed that the Director of General Services promulgate rules and regulations which shall be filed with the City Clerk providing that:

 a. an EO Commitment plan will be required for all construction, demolition, services, materials, equipment or supplies contracts which are in an amount of $10,000 or more;

 b. telephone bids or letter bids, when permitted by the Pittsburgh Code, will be solicited pursuant to standard procedures, from parties listed in comprehensive directories to be compiled by the Department of General Services, and

c. information as to anticipated future City contracts and City bidding procedures will be more widely disseminated. Educational seminars and additional technical assistance will be made more readily available to parties wishing to do business with the City.

4. It is directed that the Human Relations Commission consider the adoption of rules and regulations providing that the Commission or a designated representative undertake the following:

 a. review of EO Commitment plans prior to the awarding of contracts which are in an amount of $75,000 or more;

 b. monitoring of the fulfillment of EO Commitment plans after such contracts have been awarded;

 c. enforcement in the case of unlawful discrimination or repeated violation of plans; and

 d. annual public reporting of the results of such review and monitoring.

5. It is directed that the depository rating system of financial institutions as presently undertaken by the City be revised to more strongly encourage loans to small and disadvantaged commercial enterprises and entrepreneurs.

6. The Urban Redevelopment Authority is requested to review the operation of the "Minority and Women-Owned Business Fund", the "Minority Business Development Fund" and the "Small and Minority Contractor Assistance Program" in an effort to make them more readily available and more responsive to the needs of small and disadvantaged businesses.

7. It is directed that the Minority Business Enterprise Review Committee consider the adoption of the same or similar measures and procedures.

8. It is directed that all personal and professional services contracts continue to be reviewed by the Professional Services Review Committee as established by the Executive Order of Mayor Caliguiri dated November 16, 1984.

9. The Authorities which were formed in whole or in part by the City, including but not limited to the Housing Authority, the Public Parking Authority, the Water and Sewer Authority, the Stadium Authority and the Urban Redevelopment Authority, are requested to consider adoption of the same or similar measures and procedures.

MUNICIPAL RECORD

Proceedings of the Council of the City of Pittsburgh

VOL. CXXVIII *November 14, 1994* *No. 43*

Municipal Record

ONE-HUNDRED TWENTY-EIGHTH COUNCIL

JIM FERLO.....President
LINDA M. JOHNSON-WASLER.....City Clerk
KURT J. SALAC.....Asst. City Clerk

Pittsburgh, PA
Monday, November 14, 1994

PRESENT:

Mr. Cohen	**Mr. Onorato**
Mr. Cusick	**Mr. Ricciardi**
Mr. Hertzberg	**Mr. Smith**
Mr. O'Connor	**Mr. Ferlo (Pres't)**

The Chair:

Good morning, everyone. City Council's Legislative Session will now come to order.

Would you all please rise for the Pledge of Allegiance and would you please remain standing for a moment of silent prayer so that we may have peace throughout the world.

We are very honored and pleased to have our School Board President, as well Councilwoman Elect from Council District 9, the Honorable Valerie McDonald, who will lead us in the Pledge of Allegiance.

Ms. McDonald:

Thank you.

I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with Liberty and Justice for all.

The Chair:

Thank you. Besides doing our regular order of business, this being a Legislative Session, we are very honored because this is an important day in City government; it is a day upon when we invite the Honorable Mayor Tom Murphy into these Chambers for him to deliver his preliminary Budget Address to the residents and to the public of the City of Pittsburgh and deliver the budget document to City Council and, specifically, Mr. Onorato as Finance Chair.

I am very pleased at this time to ask my two colleagues to the left here, Councilman Cohen and Councilman Cusick to please escort the Honorable Mayor into the Chambers. Would you all please rise.

Welcome, Mayor. Ladies and gentlemen, it is a great honor and privilege at this time to call the Honorable Mayor Tom Murphy.

Mayor Murphy:

Good morning. I first want to take the opportunity to say "thank you" to Deputy Mayor Sal Sirabella and Tom Cox and to Dr. Rowan Miranda, Paul Hennigan and their staffs for putting this budget together. Clearly a budget of this impact does not happen without a lot of work.

President, Members of Council, Department Directors, City staff, fellow Pittsburghers, the 1995 budget I am presenting today is a bare-bones' budget; it does not raise any taxes, nor does it assume any layoffs of City employees. The 1995 budget calls for 331 million dollars in expenditures. This is a 4.4 percent reduction from the 1994 budget. The 1995 budget includes the elimination of 516 positions from the

budget, a 12 percent reduction in the City budgeted work force.

When I took over as Mayor 11 months ago my priorities were clear, to grow the City, to give neighborhoods a greater voice in City policies and priorities, to impose sound fiscal management practices on the City and to improve and provide more customer-driven services to the residents, all of you of the City of Pittsburgh. To do that we need to run a tight ship. The fiscal health of the City is precarious. Revenues are flat, expenses are up and there is no quick fix to get us out of this financial situation. We have been spending more than we have been taking in.

Raising taxes is not an option. As I have stated before, Pittsburgh's tax structure remains at a competitive disadvantage with our suburban neighbors. How can we and possibly encourage new families and businesses to locate here if taxes are higher in the surrounding areas.

Let me review a recent history with you. You see here a chart of the 1994 fiscal events. Shortly after I took over as Mayor we began to review the finances closely.

First, in March we became aware that the City faced a 20 million dollar negative fund balance for the year ending 1993. Based on this the City halted the sale of a bond issue while we determined how to address this problem.

Second, we realize that the 1994 budget overstated revenues by nearly 20 million dollars. Our tasks were clear. In the short run we needed revenues and expenditure cuts of 28 million dollars to assist in balancing the 1995 budget. In the long run we needed to come up with an approach to address this continuing negative fund balance that creates cash problems.

Third, in May I took action to address the short term problem. I announced a series of improvements to reduce the budget by 13 and a half million dollars. These included a three percent pay cut for management and supervisory staff, a five percent cut in department expenditures and a variety of other management initiatives that were all implemented to reduce the City's overall budget.

Fourth, in June the City bond rating was reduced by the three major rating agencies.

Fifth, in August I regrettably announced the layoff of City employees and the elimination of 150 vacant positions. I can assure you even with these reductions the City's expenses continue to increase. Expenses that individuals experience in running their households we experience in running our households.

We do have a few positive factors at work on our side. The first among these is the creation of the Regional Assets District. Initiated and formed primarily to assist organizations and facilities that serve a regional population. We can thank the Pennsylvania State Legislature for this. It will result in savings of 14 million dollars to the Operating Budget, three million dollars to the Capital Budget and will lead to approximately 14 million dollars in tax savings to residents from the elimination of the Personal Property Tax and the reduction of the Amusement Tax by 50 percent. Some of the savings to the Operating Budget will be offset by the use of seven and a half million dollars that is earmarked to our Development Fund. As I stated in my Capital Address, these funds will be used to generate over a hundred million dollars in capital investment to support development activities throughout the City.

As we struggle with our own financial situation the City's burden has been greatly eased through the implementation of the regional tax sharing approach.

Second, we received two million dollars in additional federal funding through the Crimes Bill, that will be used to pay the salaries of 27 newly hired police officers.

Third, we have collected over a million dollars in increased revenues brought in through a program as simple in approach as the Parking Ticket Amnesty Program for individuals who paid their delinquent Property Tax.

Fourth, we have managed to reduce our Workers' Compensation expenditures by one million dollars in 1994.

Fifth, we have been able to save an additional 300 thousand dollars by going to a bi-

weekly pickup schedule for recycled materials from the previous weekly pickup schedule.

Today we release the 1995 budget for the City of Pittsburgh and I want to set a tone for a new era in local government, one that is fiscally responsible yet responsive to residents' needs. Our approach is simple, we need to set priorities and we need to have good partners to work together to achieve these priorities. We have to target and prioritize needs and resources to areas where they are most needed and will have the biggest impact.

More importantly, we need to continue to build our partnerships with City Council, union representatives, County officials, the business community and the many task forces of citizens we have established as part of the Mayor's Neighborhood Strategy Meetings, to jointly work on maximizing City resources for the future growth of this City. Without these partnerships the City will not grow and prosper.

For 1995 I have developed a budget that highlights two areas: First, improving efficiencies and effectiveness of service and second, a customer-driven budget for you, the City residents of Pittsburgh.

We can only spend what we bring into the City, and for this reason the City of Pittsburgh contracted with the Pittsburgh Economy League to undertake a detailed analysis of our major revenue sources for 1995. Based on this analysis the City is projected to have 331 million dollars of revenues in 1995, a 14 and a half million dollar decrease from the revenues anticipated to be collected in 1994. From this revised revenue estimate the City has developed an appropriate expenditure budget for 1995, that is one that matches expenditures with the revenues we are expected to bring in, no more, no less.

The second thing we need to do is better use City workers. As many of you are aware the City is in the midst of union negotiations with eight of the nine active unions in the City, approximately 3,000 persons, or seventy-one percent of the union work force will have their contracts expire by the end of the year. We are on record as stating that the City is looking for a win-win situation with these negotiations, and I mean that sincerely. We want a well-trained work force, one that can provide residents with first rate customer services and public safety protection. However, as a City we want to assure that we can afford to maintain our current staffing positions, particularly in public safety. We want the option for some flexibility in the work force, that is the ability to allow workers to wear a variety of hats. In this regard we are no different than any other work place. We want a highly skilled diversified work force that can change and meet the needs of tomorrow.

Third, we need to reduce expenditures. It costs tax payers approximately a million dollars daily to operate the City. This includes things like street cleaning, refuse collection, senior and recreation activities, laborers and a full complement of police, fire and EMS personnel. We need to ensure them that they are getting their monies worth. First, in terms of customer services, also in terms of cost effective delivery of services, and a few areas we are pursuing to do that are, the first is in the area of City-County cooperation. Through 1995 we will continue negotiating with the County for Cooperative Agreements and we would like to hope that by the end of 1995 we will have eight agreements in place.

We will continue to work to reduce Workers' Compensation expenditures. I convened a Risk Management Task Force to determine effective ways to reduce the 20 million dollars in Workers' Compensation expenditures. Through a variety of safety measures that will prevent injuries on the job, as well as better management and follow-up assistance, the City hopes to see far less injured workers, which will incur a 1.3 million dollar reduction in Workers' Compensation costs for 1995.

Health care needs for City employees: The City employees are fortunate to have a wide range of health, vision and dental programs provided by the City. In 1994 I established a task force involving all nine unions in the City, unprecedented in the City's history, to look into continuing to provide good health care benefits but reducing the overall cost associated with those benefits. The results of this task force are estimated to result in savings of over three million dollars to the City in 1995.

In 1995 I am proposing consolidating the Pittsburgh Water and Sewer Authority with the Department of Water. This consolidation is generally expected to improve the efficiency of

service, the quality of water and by merging it will improve the entire operation in billing infrastructure developments by having one authority.

In 1995 I am also proposing the consolidation of the Residential Parking Permit Program and the Parking Code Enforcement Program to the Parking Authority. Again, these centralization of functions will enable this City to reduce duplication, improve customer services and improve parking enforcement.

My other budgetary priority is providing a customer-driven service delivery system by City workers and staff. Throughout the year we have had Neighborhood Strategy Meetings in 90 neighborhoods, we all went there. Many of the directors attended many of them, and I see them smiling. We learned a lot through all those meetings and meeting literally with thousands of Pittsburghers face to face to hear what their concerns and their dreams were about their neighborhoods. I believe my staff learned a lot at those meetings, I certainly did.

In that regard, I have instructed the department directors to follow up on the comments received at the Mayor's Neighborhood Strategy Meetings, and that is to set the stage for our top priorities through 1995. And, here is what we heard: Street cleaning has to be more aggressive in the Downtown and in the neighborhoods; that we will work aggressively with the Downtown Partnership Organization to clean up Downtown on a very consistent way; that working with the Department of Public Works we will use City laborers to undertake a more effective street cleaning program throughout the City. We have begun fencing in with picket fences and we intend to fence in 500 vacant lots by the end of 1995, as well as clean up 3500 vacant lots through NeighborFair.

In Public Safety, we are committed to opening up an additional 18 Community Oriented Policing Stations in 1995, bringing to a total of 49. We will also in the next week or so be asking you to support a Youth Curfew Program, and we have budgeted money to implement that program; that will include a community service component for violators of that Youth Curfew Law. We believe that is an important statement to make to residents of the City of Pittsburgh.

In Downtown, we will continue to have the high visibility of police in the area. We will shortly be opening up a police station on the Boulevard of the Allies as well as in the Cultural Trust District. We will be assigning six additional police officers Downtown to patrol the Downtown area on horseback. For the first time in years the City will be buying some horses.

In addition, City-wide we are increasing the number of police officers on bicycles to 24 because we believe they are very effective and that the mobility they get on bicycles are helpful in certain areas of the City.

In regard to recreational opportunities, I have instructed Deputy Mayor Sal Sirabella to meet with City Council and to present and to work with Council to develop a joint program to renovate playgrounds, Senior Citizen and recreational facilities throughout the City, and we would like to have that over the next few weeks and enacted in the 1995 budget.

In addition, we will undertake the opening of nine schools for after school programs this year, two of them will be opening this week, Gladstone and Greenway. Again, we will look forward to working with City Council on establishing where those nine centers will be located.

Last year's success with Big Leagues points up how important it is for us to be partners with the many volunteers that were on Little League, Little Leagues and other sports leagues throughout the City. So, our intention this year is to expand the Big League Program with our partners, the Pittsburgh Pirates and the Roberto Clemente Foundation, to expand the Big League Program to softball, soccer, football and a variety of other opportunities for young people throughout the City ranging in age from 5 to 18 years old. Clearly this would be impossible to do, except, again, for the large number of volunteers of City residents who run these leagues, coach the young people and provide the kind of services that we could never afford. We intend to support them aggressively and in the budget there will be funds to work with them to expand their efforts.

Overall these programs improve customer services, set a standard by which we want to be held accountable, and we have listed, again, as we

did in the Capital Budget, areas by which we want to be measured over the next year.

Let me summarize. No one likes to layoff employees, no one likes to address the closing of facilities and no one likes to say "no" to well-meaning programs but I have stated before, raising taxes is not an option. We need to target our resources, we need to increase the tax revenues of this City and we have very few choices to pursue to do that.

This is a bare-bones budget, it does not include any tax increases. Any significant increases in expenditures cannot happen without a tax increase, and I assume like me that you do not want to see that happen. I am asking the unions, County officials, the City Council to work with us on reviewing and adopting the 1995 budget presented today. We are all in this together.

I firmly believe that growing the City is the only option we have to resolve the long-standing fiscal dilemma that we face. We no longer have the option of spending more than we take in.

Let me touch briefly on the long term view for the City. When I took office in January I said that the only way to resolve our fiscal problems was to increase the revenue base by growing the City and pursuing aggressively development opportunities, to bring in businesses and job opportunities, to provide for new housing, particularly riverfront housing. That is where we are putting emphasis on resolving the City's fiscal crisis; it will not happen overnight; however, we should see a substantial impact within the next few years. Toward that end, our daily actions should serve to validate our commitment to growing the City.

In the Capital Budget I gave you a few weeks ago we outlined some of those efforts: The acquisition of over 500 acres of vacant and under-utilized property by 1995; initial funding for 550 units of riverfront housing; the continuing acquisition of 13 and a half miles of riverfront property; completion of four miles of riverfront trails; the provision of 60 loans to businesses to create and retain over 750 jobs. These are the steps that will lead to the rebirth of the City of Pittsburgh; these are the steps that will let us talk proudly about living in the City of Pittsburgh, and these are the steps that will secure Pittsburgh's future. Thank you.

Thank you. Thank you. For a moment I want to give special thanks to City Controller Tom Flaherty, he has been a true partner in developing the difficult numbers and procedures we needed to develop to come up with this budget, both in revenue estimates and the expenditure column, City Controller Flaherty and his staff have been partners in helping us work this through. We believe that we will be working closely together with City Controller Flaherty over the coming year to verify these numbers, to track them regularly and to develop a system that will give us early warning if anything is not on track.

So, thank you very much for your cooperation.

The Chair:

Thank you. I would like to also recognize our Chief Magistrate, the Honorable Donald Machen, who is here today also, and thank all of the directors and the Executive staff, both from the Mayor's Office, the various City departments, as well as the Authorities.

At this time we will have a ten minute recess. Thank you.

Pittsburgh, PA
Monday, November 14, 1994

And the hour of recess having expired, Council reconvened.

The Chair:

I would like to call the Recessed Legislative Meeting back to order. Thank the Mayor for delivery of his Annual Budget Address.

PRESENTATIONS

The Chair:

At this time move directly into the Read and Adopteds. We have a number of

proclamations for consideration. At this time I call on Councilman Cusick, who has a proclamation to be read into the record.

MR. CUSICK PRESENTS

No. 1260 WHEREAS, The Federation of War Veterans' Societies, Inc., was founded in 1919 by several Allegheny County veterans organizations with the purpose of providing a "Veterans' Day" parade for the City of Pittsburgh to remember and honor the thousands of American veterans who served our nation to preserve our country's freedom and principles; and,

WHEREAS, in 1994 the Federation of War Veterans' Societies, Inc., presently has Commanders rotating duty from over Forty-Two represented in its membership and for the first time in its seventy-five year history is represented by a woman, Commander Constance Manocha, delegate of the Disabled American Veterans; and,

WHEREAS, November 11, 1994 will mark the 75th anniversary of the Federation of War Veterans' Societies, Inc., and their creation of a Veterans' Day Parade in the City of Pittsburgh.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh hereby commends and honors the Federation of War Veterans' Societies, Inc., for providing the citizens of the City of Pittsburgh and Allegheny County with the Veterans' Day Parade for the past 75 years to remember all those who have served our great nation and our community in times of war.

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh hereby declares Tuesday, November 15, 1994 as Federation of War Veterans' Societies Day in the City of Pittsburgh.

MR. CUSICK moved to adopt the resolution.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

MR. O'CONNOR PRESENTS

No. 1261 WHEREAS, the Jewish Sports Hall of Fame of Western Pennsylvania was established to honor and recognize outstanding Jewish athletes and distinguished members of the sports world who have contributed to the betterment of the Western Pennsylvania area through their accomplishments in both sports and communal service; and,

WHEREAS, the Jewish Sports Hall of Fame of Western Pennsylvania raises and distributes funds for the sponsorship and encouragement of Jewish youths and other athletes who use sports as a vehicle for achieving personal growth, challenge, and enjoyment; and,

WHEREAS, the following individuals are to be recognized for their significant contributions to, and their distinguished careers in, their respective athletic fields, by being inducted into the Jewish Sports Hall of Fame of Western Pennsylvania at its annual induction banquet on November 20, 1994, at Beth Shalom synagogue in Pittsburgh, Pennsylvania:

Mr. Stanford G. Davis - Tennis
Ms. Cathy Jacobson - Tennis
Dr. John Frank - Football
Mr. Jack Wilner - Football
Mr. Stan Savran - Sports Broadcasting
Mr. Norman Frey - Ziggy Kahn Memorial Award
Mr. Lenny Silberman - Special Service Award

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh acknowledges and commends the above outstanding individuals for their accomplishments, and commends the Jewish Sports Hall of Fame of Western Pennsylvania for its sponsorship and encouragement of athletic activities in the greater Pittsburgh area.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh proclaims the day of November 20, 1994 as Jewish Sports Hall of Fame Day in the City of Pittsburgh, in honor of the above 1994 inductees.

MR. O'CONNOR moved to adopt the resolution.

MR. SMITH seconded the motion.

Which motion prevailed.

The Chair:

Councilman Ricciardi and Councilman O'Connor.

Mr. Ricciardi:

Thank you, Mr. President.

The Chair:

Would the Honorable Judge Machen please come forward.

Mr. Ricciardi:

Good morning, Judge, how are you.

Mag. Machen:

Good morning.

Mr. Ricciardi:

On behalf of all Members of Pittsburgh City Council, colleagues, I would like to take this moment to read this resolution.

MESSRS. O'CONNOR AND RICCIARDI PRESENT

No. 1262 WHEREAS, Chief Magistrate Donald Machen, Esq., received the Award of Distinction given by the Domestic Abuse Counseling Center, Inc., the largest batters' treatment program in Pennsylvania, for his work in improving the criminal justice system's response to domestic violence cases in the City of Pittsburgh's Domestic Violence Court; and,

WHEREAS, Judge Machen's changes in the Domestic Violence Court's review process not only dramatically affected the compliance rate of offenders, but also drastically reduced the number of repeat offenders;

WHEREAS, as Chief Magistrate for the City of Pittsburgh Magistrates Court, Donald Machen has implemented other noteworthy programs, including the first national "Kids and Courts" program, designed to prevent crime among pre-teens, and the "Safety for Seniors" program, designed to reduce the likelihood of senior citizens becoming victims of violent crimes;

WHEREAS, Donald Machen is a multi-talented professional, having graduated magna cum laude from the Duquesne University School of Law and having received a D.M.D. and M.S.D. from the University of Pittsburgh School of Dental Medicine. In addition to his responsibilities as Chief Magistrate, Donald is a Professor of Law and medicine at Duquesne University School of Law, a member of the Pennsylvania and Florida State Bar Associations and a Diplomate of the American Board of Orthodontics.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby acknowledge the distinguished career of Chief Magistrate Donald Machen and commends him for his tireless efforts on behalf of and invaluable service to residents of all ages of the City of Pittsburgh.

MR. RICCIARDI moved to adopt the resolution.

MR. ONORATO seconded the motion.

Which motion prevailed.

Mr. Ricciardi:

Thank you, colleagues. We have a very special person with us today, Judge Donald Machen, and I am going to ask our colleague Mr. O'Connor to please present the resolution.

Thank you. Mr. O'Connor.

Mr. O'Connor:

Thank you, Gene. The Judge is a neighbor and a friend for a long time, and I just want to congratulate you on behalf -- for your award, and especially domestic abuse is such a tough situation and you have dealt with it very well.

Bringing children into court is a new program you have started and I think that is very educational for all our kids, young kids, that see it, and you just heard what the Mayor said, as far as bringing in the ticket delinquents, was outstanding, brought in over a million dollars.

So, I just want to congratulate you on all the work you have done for the residents of the City of Pittsburgh.

Mag. Machen:

I would like to thank City Council. I would like to thank Councilman O'Connor, thank Councilman Ricciardi for helping me to do all these wonderful programs. Council was so supportive of me when I first came in with all the programs, I cannot thank you enough.

We will be back with some good news about the Controller's Audit Report. We have implemented all the recommendations from City Controller Tom Flaherty's Audit Report, and we have done that in the time period prescribed.

So, I am very pleased, and I want to thank everybody. I want to thank, especially Council President Jim Ferlo, as well.

The Chair:

Okay, Judge. Thank you.

Mag. Machen:

Thank you all.

The Chair:

Thank you, Judge, for your hard work and leadership.

Councilman Ricciardi, one to be read into the record.

Mr. Ricciardi:

Thank you, Mr. President.

The Chair:

I would like to say "hello" to our friends from the Carpenter's Union this morning.

MR. RICCIARDI PRESENTS

No. 1263 WHEREAS, the Save our Churches Organization located in the City of Pittsburgh is a non-profit corporation authorized by it's Articles of Incorporation and/or By-Laws to engage in civic or service purposes within the Commonwealth of Pennsylvania, and does engage in such activities; and,

WHEREAS, the Save our Churches Organization has been incorporated in the Commonwealth of Pennsylvania and has been granted exemption from Federal Income Tax under Section 501(c)(3) of the Internal Revenue Code; and,

WHEREAS, the Save our Churches desires to operate certain small games of chance and/or conduct raffles to generate funds to finance its operations and further its operations.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the City of Pittsburgh hereby recognize and declare the Save our Churches Organization to be a Civic and/or Service organization within the context of the Pennsylvania Small Games of Chance Act, as amended.

Mr. Ricciardi:

Move for a discussion.

MR. ONORATO seconded the motion.

WHICH MOTION PREVAILED.

Mr. Ricciardi:

Thank you, Mr. President. Colleagues, this is a routine resolution before us that allows a non-profit group, obviously, to raise monies here in the City of Pittsburgh; they have been properly designated by the State. This in no way takes a position on their goal, only states that we recognize them as a non-profit here in the City of Pittsburgh. Thank you.

The Chair:

Thank you, Mr. Ricciardi. All in favor?

WHICH MOTION PREVAILED.

The Chair:

Motion carries. Thank you.

Are there any matters to be brought under Unfinished Business or any Reports of Special Committees?

Hearing none, at this time I would like to move to Councilman Cohen, Committee on Public Safety on Presentation of Papers.

Mr. Cohen:

Mr. Council President Ferlo.

The Chair:

Thank you, Mr. Cohen.

Mr. Cohen:

Thank you.

MR. COHEN PRESENTED

No. 1264 Resolution providing for an Agreement or Agreements between the City of Pittsburgh and Allegheny County for the receipt of grant funding for the purchase of an interface between the PAGIS system and the EIS system. These systems are located at the Emergency Operations Center.

Which was read and referred to the Committee on Public Safety.

MR. COHEN moved to suspend Rule 8 by providing for consideration of the bill only until or after the calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

MR. SMITH seconded the motion

Which motion prevailed.

MR. O'CONNOR PRESENTED

No. 1265 Resolution providing for a contract or contracts or the use of an existing contract or contracts to purchase and install a telecommunication system for the Department of Personnel and Civil Service, in an amount not to exceed Thirty-Six Thousand Dollars ($36,000.00).

Also,

No. 1266 Resolution providing for a contract or contracts or the use of an existing contract or contracts for the purchase and installation of an electronic production switcher for the Department of General Services, Bureau of Cable Communications, and not to exceed Seventy-Five Thousand Dollars ($75,000.00).

Which were read and referred to the Committee on General Services.

MR. O'CONNOR moved to suspend Rule 8 by providing for consideration of the bills only until or after the calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

MR. ONORATO PRESENTED

No. 1267 Resolution providing for the issuance of a warrant in favor of Mailing Services of Pittsburgh, Inc., in the amount of Thirteen Thousand Seven Hundred Ninety-Two Dollars and forty Cents ($13,792.40) in payment for mailing services provided to the City of Pittsburgh Magistrates Court in connection with the parking ticket amnesty program.

Also,

No. 1268 Resolution amending Resolution 811, effective October 26, 1994, providing for the transfer of funds in the aggregate amount of Four Million Five Hundred Nine Thousand Dollars (4,509,000) to Four Million Four Hundred Fifty-Nine Thousand Dollars ($4,459,000).

MR. ONORATO moved to suspend Rule 8 by providing for consideration of the bills only until or after the calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

Also,

No. 1269 Resolution providing for an Agreement or Agreements with Church of the Good Shepherd and the Shepherd Wellness Community, a non-profit organization, to provide

bi-weekly dinners and other services for City residents. Total cost not to exceed $2,000.

Also,

No. 1270 Communication from Tom Murphy, Mayor, City of Pittsburgh, requesting permission for Bonnie Young (a non-city employee) to attend a national training conference in San Antonio, Texas, from December 12, 1994 through December 15, 1994 to improve Operation Weed and Seed Programs. Cost not to exceed $925.00, chargeable to and payable from Operation Weed & Seed Trust Fund.

Also,

No. 1271 Communication from Tom Murphy, Mayor, City of Pittsburgh, requesting permission for Betty Pickett, Weed and Seed Coordinator, to attend a national conference in San Antonio, Texas, from December 12, 1994 to December 15, 1994 to improve Operation Weed and Seed Programs. Cost not to exceed $925.00, chargeable to and payable from Operation Weed & Seed Trust Fund. (Betty Pickett is a non-city employee)

Which were severally read and referred to the Committee on Finance.

MR. SMITH PRESENTED

No. 1272 An Ordinance amending the Pittsburgh Code, Title One, Administrative, Chapter 161, Contracts, Section 161.19, Development Proposals: Minority Participation Plan, to increase the reviewing responsibilities of the Minority Business Enterprise Review Committee and to amend the quorum required for a meeting.—**(SPONSORED BY MR. SMITH)**

Which was read and referred to the Committee on Finance.

Also,

No. 1273 An Ordinance amending the Pittsburgh Code, title Nine, Zoning District Map No. 3, by changing from "S" Special District to "CP" Commercial Planned Unit Development District certain property having frontage on the southeast corner of Chartiers Avenue and Morange Road, 28th Ward. (COUNCIL DISTRICT NO. 2)

Also,

No. 1274 An Ordinance amending the Pittsburgh Code, Title Nine, Zoning District Map No. 2 and No. 3, by changing from "M3" Light Industrial District to "CP" Commercial Planned Unit Development District certain property having frontage on the northerly side of Chartiers Avenue between Hillsboro Street and Municipal Street, 20th Ward. (COUNCIL DISTRICT NO. 2)

Also,

No. 1275 An Ordinance amending the Pittsburgh Code, Title Nine, Zoning District Map No. 7, by changing from "M3" Light Industrial District to "CP" Commercial Planned Unit Development District certain property having frontage along the southerly side of West Carson Street and along the site of the Duquesne Incline, 19th Ward. (COUNCIL DISTRICT NO. 2)

Also,

No. 1276 An Ordinance amending the Pittsburgh Code, Title Nine, Zoning District Map No. 11, by changing from "M3" Light Industrial District to "C3" Commercial District certain property located along Baum Boulevard between Broughton Street and Morewood Avenue, 8th Ward. (COUNCIL DISTRICT NO. 8)

Also,

No. 1277 Resolution amending Resolution No. 228, effective March 19, 1993, as amended by Resolution No. 366, effective April 29, 1993, by Resolution No. 1056, effective August 24, 1993, by Resolution No. 1219, effective November 1, 1993, by Resolution No. 755, effective October 12, 1994, and by Resolution No. 846, effective November 4, 1994, entitled "Providing for the filing of a Community Development statement by the City of Pittsburgh with the U.S. Department of Housing & Urban Development for a grant in connection with the 1993 Community Development Block Grant Program "so as to decrease line item "Youth Commission" in the Department of Parks and Recreation and increase line item "Pittsburgh Community Services, Inc. - Small Grants Program in City Planning."---**(SPONSORED BY CHRISTOPHER A. SMITH)**

Also,

No. 1278 Resolution amending Resolution No. 556, approved May 7, 1993, entitled, "Providing for an Agreement or Agreements with the Pittsburgh Community Services Small Grant Program for operational and/or administrative expenses, including purchase of equipment or materials, for the benefit of low-moderate income residents of the City of Pittsburgh, at a cost not to exceed $210,000.00." By increasing the authorized amount by $8,333.00 from $210,000.00 to $218,333.00.--- **(SPONSORED BY CHRISTOPHER A. SMITH)**

Which were severally read and referred to the Committee on Planning, Housing & Development.

Also,

No. 1279 Resolution amending Resolution No. 1376, effective December 14, 1993, as amended by Resolution No. 791, effective October 19, 1994, and Resolution No. 844, effective November 4, 1994, entitled: "Resolution providing for an Agreement(s) and Contract(s), with Consultant(s) and Vendor(s) for various expenses in connection with the Pittsburgh Advocacy Commission on Youth, by reducing the authorized amount by $8,333.00 from $133,334.00 to $125,001.00.---**(SPONSORED BY CHRISTOPHER A. SMITH)**

Which was read and referred to the Committee on Parks and Recreation.

THE CHAIR PRESENTED

No. 1280 Communication from Linda M. Johnson-Wasler, City Clerk, submitting the Third Quarter travel reports for 1994 from various City departments.

Also,

No. 1281 Communication from Paul Hennigan, Director of Finance, submitting a report of deposits and the market value of securities pledged as collateral by City Depositories as of July 1994.

The Chair:

We need a motion to receive and file.

Mr. Hertzberg:

So moved.

MR. RICCIARDI seconded the motion.

WHICH MOTION PREVAILED.

The Chair:

Are there any reports of Unfinished Business or Reports of Special Committees?

Hearing none, I will move to Reports of Committees.

REPORTS OF COMMITTEES

The Chair:

Committee on Finance, Councilman Onorato.

Mr. Onorato:

Mr. President.

The Chair:

Thank you, Mr. Onorato.

MR. ONORATO PRESENTED

Bill No. 1282

Report of Committee on Finance for November 9, 1994, transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 1163

A Resolution entitled, "Resolution authorizing and directing the Department of City Planning, Bureau of Building Inspection, and Law to develop a map, a list of reported complaints, and legal action in

relation to Section 8 properties in the City of Pittsburgh."

Which was read.

Also,

Bill No. 1169

A Resolution entitled, "Resolution transferring the amount of $1,397.03 from Code Account 10 (001008), Accounts Payable Prior Years, to Code Account 1103 (110304), Miscellaneous Services, Department of City Planning."

Which was read.

Also,

Bill No. 1213

A Resolution entitled, "Resolution authorizing the transfer of Two Hundred Fifty Thousand Dollars ($250,000.00) from code Account PEMA, to Code Account MCSTF, Operations Center, Department of Public Safety."

Which was read.

Also,

Bill No. 1218

A Resolution entitled, "Resolution providing for the conveyance by the City of Pittsburgh of certain property, under Act No. 171 of 1984, entitled, 'Second Class City Treasurer Sale and Collection Act,' effective December 11, 1984."

Which was read.

Also,

Bill No. 1219

A Resolution entitled, "Resolution providing for the filing of a petition or petitions for the sale of certain property or properties acquired at tax sales in accordance with Act No. 171 of 1984, 'Second Class City Treasurer Sale and Collection Act,' effective December 11, 1984."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Smith
Mr. O'Connor	Mr. Ferlo (Pres't)

AYES 8 NOES none

The bills having received the legally required number of votes are passed finally.

MR. RICCIARDI PRESENTED

Bill No. 1283

Report of Committee on Public Works for November 9, 1994, transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 1190

A Resolution entitled, "Resolution granting unto the Union Electric Steel Corporation, 726 Bell Street, P.O. Box 465, Carnegie, Pennsylvania, 15106, their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, fence encroachment across Woodkirk Street and in a portion of the right-of-way on Carbon Street in the 28th Ward, 2nd Council District of the City of Pittsburgh."

Which was read.

Also,

Bill No. 1192

A Resolution entitled, "Resolution granting unto Overhead Door Company of Greater Pittsburgh, 5637 Butler Street, Pittsburgh, Pennsylvania, 15201, their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, a monorail overhead crane projecting over portion of the right-of-way on Berlin Way in the 10th Ward, 7th Council District of the City of Pittsburgh."

Which was read.

Also,

Bill No. 1221

A Resolution entitled, "Resolution granting unto Kim Mistick, 240 Provost Road, Pittsburgh, Pennsylvania, 15227, his successors and assigns, the privilege and license to construct, maintain and use at his own cost and expense, an off-street parking area on a portion of the right-of-way of Schaad Street in the 32nd Ward, 4th Council District of the City of Pittsburgh."

Which was read.

Also,

Bill No. 1222

A Resolution entitled, "Resolution granting unto Richard Johnson and Cheryl Augustine, 100 Handler Street, Pittsburgh, Pennsylvania, 15203, their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, a landscape tie wall and a deck on a portion of the right-of-way on Jane Street in the 16th Ward, 3rd Council District of the City of Pittsburgh."

Which was read.

Also,

Bill No. 1223

A Resolution entitled, "Resolution granting unto Dressel Associates, Inc., Century Building, Suite 1200, 130 Seventh Street, Pittsburgh, Pennsylvania, 15222, their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, a sign encroachment on a portion of the right-of-way on 130 Seventh Street, Pittsburgh, Pennsylvania, 15222, their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, a sign encroachment on a portion of the right-of-way on 130 Seventh Street in the 2nd Ward, 6th Council District of the City of Pittsburgh."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Mr. Hertzberg:

Mr. President.

The Chair:

Councilman Hertzberg.

Mr. Hertzberg:

Bill No. 1190 is a fence encroachment in an East Carnegie neighborhood. Union Electric is asking for it. Woodkirk Street and Carbon Street would be affected. I did hold this up a little, I would apologize for that, but I did check with the East Carnegie Community Council and they are very much in favor of it, and I will be voting in favor of it.

The Chair:

Thank you very much. Any other comments?

The bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Smith

Mr. O'Connor Mr. Ferlo
(Pres't)

AYES 8 NOES none

The bills having received the legally required number of votes are passed finally.

MR. SMITH PRESENTED

Bill No. 1284

Report of Committee on Planning, Housing & Development for November 9, 1994, transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 1224

A Resolution entitled, "Resolution authorizing a Cooperation Agreement or Agreements with the Urban Redevelopment Authority of Pittsburgh providing for the transfer to URA of $50,000.00 for the Start-An-Enterprise Program."

Which was read.

Also,

Bill No. 1225

A Resolution entitled, "Resolution approving a conditional use exception under Section 993.01(a)A(20) of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993, to The Oakland School for authorization to use existing two-story-and-basement structure as a college preparatory high school with a maximum enrollment of 70 students at 362 McKee Place, with parking to accommodate 10 automobiles in the rear, on property zoned "R4" Multiple-Family Residence District, 4th Ward."

Which was read.

Also,

Bill No. 1226

A Resolution entitled, "Resolution authorizing the URA of Pittsburgh to acquire all of the City's right, title and interest, if any, in and to the Publicly-Owned property in the 17th Ward of the City of Pittsburgh designated in the Deed Registry Office of Allegheny County, as Block 12-E, Lot 20, under the Residential Land Reserve Fund, for the sum of $1.00. (This property is being acquired as part of a site assemblage for future housing development)."

Which was read.

Also,

Bill No. 1227

A Resolution entitled, "Resolution approving execution of a Contract for Disposition by Sale of Land by and between the URA of Pittsburgh and Jim and Marie Payne for the sale of parcel 36, in the 5th Ward of the City of Pittsburgh in Redevelopment Area No. 32, for the sum of $400.00. (The redevelopers are the adjacent owners who intend to use this vacant lot as a sideyard)."

Which was read.

Also,

Bill No. 1228

A Resolution entitled, "Resolution approving execution of a Contract for Disposition by Sale of Land by and between the URA of Pittsburgh and Andrenis Chalmers for the sale of Parcels 238A and 238B in the 21st Ward of the City of Pittsburgh in Redevelopment Area No. 27, for the sum of $675.00. (The redeveloper is the adjacent owner who intends to use these lots as a sideyard)."

Which was read.

Also,

Bill No. 1229

A Resolution entitled, "Resolution approving execution of a Contract for Disposition of Land by and between the URA of Pgh. and Rita Lorraine Borgese for the sale of Parcel C (Block 115J, Lot 115) in the Twenty-Seventh Ward of the City of Pittsburgh in Redevelopment Area No. 35, the purchase price of $400.00. (This parcel is a small vacant lot at the rear of the redeveloper's house,

will use this land as a rear yard area)---(COUNCIL DISTRICT NO. 1)."

Which was read.

Also,

Bill No. 1230

A Resolution entitled, "Resolution approving execution of a Contract for Disposition of Land by and between the URA of Pgh. and Peter James Talmachoff for the sale of Block 23E, Lot 220 in the Twenty-Fifth Ward of the City of Pittsburgh, the purchase price is $400.00. (The parcel is a small vacant lot, will be used as a sideyard)---(COUNCIL DISTRICT NO. 6)."

Which was read.

Also,

Bill No. 1231

A Resolution entitled, "Resolution authorizing the URA of Pgh. to acquire that property in the 22nd Ward of the City of Pittsburgh owned by Sun Company, Inc., (R&M) and designated as Block 23L, Lots 111, 112 and 119 in the Deed Registry Office of Allegheny County under Land Reserve Fund for a purchase price of $100,000.00 plus expenses. (This property is located across the street from the proposed Federal North Project and although the project itself is considered crucial to its success).---(COUNCIL DISTRICT NO. 6)."

Which was read.

Also,

Bill No. 1251

A Resolution entitled, "Resolution authorizing the URA to acquire that property in the Greater Hazelwood Redevelopment Area, in the 15th Ward of the City of Pittsburgh, owned by Commercial Credit Corp. and designated as Block and Lot 56-P-252, 5312 Gertrude Street.(COUNCIL DISTRICT NO. 5)."

Which was read.

Also,

Bill No. 1252

A Resolution entitled, "Resolution approving the execution of Contract for Disposition of Sale of Land by and between the URA and Glen Hazel Citizens Association for the sale of Block and Lot 56-P-252, 5312 Gertrude Street, in the 15th Ward for $15,000.00 plus costs. Redeveloper intends to rehabilitate under the Authority's HOPE-3 Vacant Property Redevelopment Plan."

Which was read.

Also,

Bill No. 1253

A Resolution entitled, "Resolution authorizing the URA to acquire that property in the Greater Hazelwood Redevelopment Area, in the 15th Ward of the City of Pittsburgh, owned by Kevin Mooney and designated as Block and Lot 56-C-234, 359 Flowers Avenue, (COUNCIL DISTRICT NO. 5)."

Which was read.

Also,

Bill No. 1254

A Resolution entitled, "Resolution approving the sale of Block and Lot 56-C-234, 359 Flowers Avenue, in the 15th Ward of the City of Pittsburgh by and between the URA and Glen Hazel Citizens Association for $6,500.00. Redeveloper intends to rehabilitate this vacant structure under the Authority's HOPE-3 Vacant Property Redevelopment Plan."

Which was read.

Also,

Bill No. 1255

A Resolution entitled, "Resolution authorizing the URA to acquire that property I n the Greater Hazelwood Redevelopment Area in the 15th Ward of the City of Pittsburgh, owned by Saverio Strati, Jr., and Joseph S. Strati and designated as Block and Lot 56-J-233, 5036 Lytle Street, (COUNCIL DISTRICT NO. 5)."

Which was read.

Also,

Bill No. 1256

A Resolution entitled, "Resolution approving the sale of Block and Lot 56-J-233, 5036 Lytle Street, in the 15th Ward of the City of Pittsburgh by and between the URA and Glen Hazel Citizens Association for $9,000.00. Redeveloper intends to rehabilitate the structure under the City's HOPE-3 Vacant Property Redevelopment Plan."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Smith
Mr. O'Connor	Mr. Ferlo (Pres't)

AYES 8 NOES none

The bills having received the legally required number of votes are passed finally.

MR. O'CONNOR PRESENTED

Bill No. 1285

Report of Committee on General Services for November 9, 1994, transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 1246

A Resolution entitled, "Resolution providing for a Contract/s or the use of existing contracts, for the purchase of radios, base stations and related equipment for use by the Department of public Works and other City departments, in an amount not to exceed $125,000.00, chargeable to and payable from Code Account 1132-5, Radio Improvements, Department of General Services."

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Smith
Mr. O'Connor	Mr. Ferlo (Pres't)

AYES 8 NOES none

The bill having received the legally required number of votes passed finally.

MR. RICCIARDI PRESENTED

Bill No. 1286

Report of Committee on Water for November 9, 1994, transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 1220

A Resolution entitled, "Resolution authorizing the City of Pittsburgh to exercise its option to extend the term of the agreement of lease with Forbes

Street Associates for certain space in the 441 Smithfield Street Building, payable in twelve (12) equal monthly installments of $12,403.06 plus any additional rent expenses, chargeable to and payable from Code Account 1922, Miscellaneous Services, Department of Water."

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Smith
Mr. O'Connor	

AYES 7 NOES 1

(MR. FERLO, PRES'T, VOTING NO)

The bill having received the legally required number of votes passed finally.

MR. HERTZBERG PRESENTED

Bill No. 1287

Report of Committee on Parks and Recreation for November 9, 1994, transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 1064

A Resolution entitled, "Resolution authorizing the Director of the Department of Parks and Recreation to increase certain admission fees at the Schenley Park Ice Skating Rink effective immediately."

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Councilman Hertzberg.

Mr. Hertzberg:

Thank you, Mr. President.

This is the bill that would raise the rates for young people and Seniors from $1.50 to $2.00 at the Schenley Ice Rink. This bill was through a preliminary vote twice already, now it is back up for final approval. We did not receive all the information requested in the first round, I believe we have received it all now, both information comparing our rates with the rates of competing ice rinks and we can see that our rates are more than competitive, even with this increase they will be lower.

We also were provided with information on the exact cost of operating the Schenley Ice Rink and we were shown that it has been, unfortunately, running at a deficit in the past and that with this slight rate increase we will be able to get a much better handle on this.

I continue to encourage everyone on Council to vote in favor of this. Mr. President, I know you voted against it, and as I said before, I continue to oppose any sale or privatization of the Schenley Ice Rink.

The Chair:

Thank you, Councilman. Councilman Onorato.

Mr. Onorato:

I would just like to have my comments brought forward.

(REMARKS -- SEE ADDENDUM)

The Chair:

Thank you. Mr. Ricciardi.

Mr. Ricciardi:

Thank you, Mr. President.

I am supporting the slight increase here today, for a number of reasons. First of all, the majority of people, or the residents of the City of Pittsburgh, should not support or subsidize this type of activity, in terms of, the people who use it should, and obviously it is running a deficit of between 10 to $15,000.00, this will bring it up. The fees are still very competitive, competitive with the South Side Ice Skating Rink. Keep in mind that fees never increased for the South Side Ice Skating Rink and eventually in 1988 it had to shut down because of the deficit it was running.

I think it is very reasonable, the fees should cover this type of activity and not our tax dollars, and this is exactly what this bill is doing today.

The Chair:

Thank you. Other comments? Councilman O'Connor.

Mr. O'Connor:

I, too, support Mr. Hertzberg's Parks and Recreation to raise this fee slightly, but I also encourage that the facility be used year around and this will also balance the budget there, so that it would be -- I think it would send a message that we do not have to privatize it if it is run properly and also if we use it more in the summer and in the off-season months. It is a very attractive place, and I think it is under-used, and I realize -- Mr. Hertzberg and I have met with Parks and Recreation and they have committed to putting in new programs so that more youth and Seniors can use it in Schenley Park. So, I support the legislation.

The Chair:

Thank you, Mr. O'Connor.

Your collective eloquence has convinced me my previous vote was in error and I will vote in favor of the legislation.

Any other comments?

Mr. Hertzberg:

Mr. President, just my comments be brought forward from the last Standing Committee Meeting.

(REMARKS -- SEE ADDENDUM)

The Chair:

Thank you very much.

The bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Smith
Mr. O'Connor	Mr. Ferlo
Mr. Onorato	(Pres't)

AYES 7 NOES none

(MR. COHEN ABSTAINING)

The bill having received the legally required number of votes passed finally.

MR. COHEN PRESENTED

Bill No. 1288

Report of Committee on Public Safety for November 9, 1994, transmitting sundry resolutions Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 1214

A Resolution entitled, "Resolution providing for a Contract or Contracts; or the use of existing Contract or Contracts; or Agreement or Agreements to purchase a microwave communications system for the Emergency Operations Center at a cost not to exceed ($250,000.00) chargeable to and payable from the Microwave Communications System Trust Fund (MCSTF), Department of Public Safety, Emergency Operations Center."

Which was read.

Also,

Bill No. 1243

A Resolution entitled, "Resolution providing for a Contract/s or use of existing Contract/s; or Agreement/s for the purchase of an Electronic Telephone System, to include hardware, software and installation for the Emergency Operations Center. Total cost shall not exceed $15,000.00, chargeable to and payable from Code Account ETATF, Dept. of Public Safety, Emergency Operations Center."

Which was read.

Also,

Bill No. 1244

A Resolution entitled, "Resolution providing for a Contract/s or use of existing Contract/s; or Agreement/s for the purchase of a multi-channel VHF Radio Transmitter for the Emergency Operations Center. Total cost shall not exceed $11,000.00, chargeable to and payable from Code Account PEMA, Dept. of Public Safety, Emergency Operations Center."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Smith
Mr. O'Connor	Mr. Ferlo (Pres't)

AYES 8 NOES none

The bills having received the legally required number of votes are passed finally.

MR. CUSICK PRESENTED

Bill No. 1289

Report of Committee on Engineering and Construction for November 9, 1994, transmitting two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 1159

A Resolution entitled, "Resolution providing for an Easement and/or Right-of-Entry Agreement with the Port Authority of Allegheny County and/or the Pennsylvania Department of Transportation to construct and maintain the foundation of the new Airport Busway/H.O.V. Bridge on the Monongahela Wharf. (Port Authority requires release from the City of Pittsburgh to construct the foundation for the new bridge)."

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Mr. Cusick:

Mr. President.

The Chair:

Councilman Cusick.

Mr. Cusick:

I would just like to go on record, first of all, for stating why I did not vote. There was an emergency in my district last week and I had to leave the meeting, and for that reason and that reason only I did not get a chance to vote in the affirmative on this piece of legislation.

I would like to also -- there has been a letter sent around from the American Town and Country Alliance in regards to this bill and, basically, stating that they feel that we have a gun held to our head. I do not think that is the case in this.

The Port Authority, under your leadership, Mr. President, the Port Authority came to a post agenda and answered the questions to the best of their ability, not all Councilmembers were happy with the results of those answers, and they did say that they would continue to work with us.

Again you had asked a committee to be set and that I Chair. Councilman Smith and Councilman Hertzberg, along with Forest City Development and Port Authority and building trades representatives also said that they would participate in this committee to try to work out some of the concerns that Council had, whether it be in the loop or where this bridge actually dumped off into Downtown.

I think that we are all concerned with the impact that it will have for south Pittsburgh, the businesses of the Downtown and the parking situation.

I would ask Council today to improve this easement so that we can continue to work with the Port Authority on seeing that some of our concerns are met. We do have another -- Port Authority would have to come back to this body for a Cooperation Agreement later on down the road, and I really would like to see this project continue. I think it is important for south Pittsburgh, but I do also understand the concerns to Council and other Councilmembers have, and I would urge you today to vote in the affirmative so that we can continue to have good and constructive dialogue with the Port Authority.

The Chair:

Thank you, Mr. Cusick. Councilman Hertzberg.

Mr. Hertzberg:

Thank you, Mr. President.

This is Bill No. 1159, regarding easement and right-of-entry for a foundation on the Mon Wharf, which is part of a very large project, the Port Authority Busway project, in addition to our tunnel project, and the majority of the funding here is being spent on the busway. The busway will be constructed more in City Council District 2 than I think anywhere else, but not only is the City impacted by this project but also the boroughs of Ingram, Crafton and Carnegie, which will be the other terminus you have Downtown to Carnegie.

We had before us on at least a couple of occasions some officials that are very involved in this whole project. Bill Millar from the Port Authority Transit came in front of us and answered our questions concerning the loop design. The loop design is very much of concern to myself, I am sure it is very much of a concern to all of City Council and probably to the public, too, because it does not sound like a very good design. Mr. Millar came in here, he assured us that he is making every effort to get rid of that loop; he does not like the loop, nobody likes the loop, and if he can get rid of it he will. We have new ownership there in the Forest City Development Company and there seems to be a willingness on their part to work with the Port Authority in getting rid of that loop design.

My opinion, everything that can be done is being done to get rid of that loop design and there is no reason for us to hold this up, we should go forward with it in any event.

With respect to the touchdown point at Fort Pitt Boulevard and Market Street, which is what is immediately involved here with this pier, we had our Director of Engineering and Construction, Fred Reginella, we also had our Director of Planning, Eloise Hirsh, who both told us that every possibility has been examined. This is the best possible alternative. Although it seems there are no perfect alternatives here, this one makes the most sense. So, we have heard from

people that have done quite a bit of studying and that are experts in their areas, and I believe they are correct, and I am going with them, I am voting "yes".

Now, in my experience, every time you try to do something and make some change, you are always going to attract people that are out there that are going to say no and they are going to point to reasons why it is not a good idea, but I think we have got to keep in mind here, you cannot solve every single problem that we have with traffic in this end of the City with this busway, and that is not the intention. The intention here is to have some form of mass transit between Downtown and the new airport, and we cannot do everything at once. We would like to connect the east, we would like to connect right up to the airport, we would like to resolve -- make it perfect for traffic to get from the airport to Downtown so that you never have any congestion but we are spending about 350 million dollars on this project already. We cannot solve all the problems.

Thank you, Mr. President.

The Chair:

Thank you very much, Mr. Hertzberg. Other comments? Councilman Cohen.

Mr. Cohen:

Thank you, Mr. President.

I think we need to step back for a moment and recognize the benefits of this project, as Councilman Hertzberg and Councilman Cusick pointed out. We have a terrible bottleneck at the Fort Pitt Bridge and Tunnels and this project will relieve -- maybe not to the extent all of us would like, but will relieve congestion at the Fort Pitt Bridge and Tunnels. Three hundred and fifty million dollars is a lot of money and 350 million dollars at least is going into this project.

The new airport is fantastic but unless people can get to our City without being bottled up in the Fort Pitt Tunnel and Bridge, then many of the benefits of the airport are going to go to waste.

Is there a design flaw, at least on the south portion of the bridge? Yes. I think we all agree with that and we all send a strong message to Port Authority Director Bill Millar and the other people who are responsible for that design, but I do not think that it is right to potentially kill the entire multi-million dollar project because of a design problem on one portion of the roadway. I think it is better to keep this project moving forward and negotiate with the Port Authority to straighten out that 360 degree loop. Director Millar agrees with us, at least that is what he said at the public hearing, that that 360 degree loop is flawed and has agreed to negotiate with the new owners of Station Square to get it straightened out. I think we should give him the latitude to do that and continue to push hard and negotiate to make sure that gets straightened out, but to potentially block this whole project, I think is wrong.

I would rather do, as my colleagues have suggested, and that is, move ahead with it, send a message that that loop needs to be straightened out and make sure that we relieve congestion on the Fort Pitt Bridge and Tunnel.

The Chair:

Thank you, Mr. Cohen. Councilman Onorato.

Mr. Onorato:

Thank you, Mr. President.

Last week I was very critical and I am still not real happy, but last week I gave it a preliminary vote of approval just for those reasons. One hand, we recognize it gets to this body in the last stages of any particular project and we are either faced with stopping this particular deal or moving forward. Unfortunately, no one wants to stop this because there are other issues that override the design right now, and that is to have this thing up and running before the Fort Pitt Bridge is shut down and I recognize that, and I will continue to vote for this particular bill.

Stating that, I think a lot of interesting things came out of last week's and the week befores discussion, and that is that the loop was developed, at least from my understanding, because of some property interest concerns, and I recognize that, but over the years we have seen where individual property rights have been taken over for the good of the public, and I stressed that at last week's meeting, and I will stress it again,

and I would hope that, with the promises we are receiving, that the general public's concern will override any individual property interest here, just like it has on the North Side for the 15,000 families that were moved for East Street Expressway, and I am sure it was for the two parkways when they were built, properties were taken for the good of the public. In this particular case, we are not even talking about a residential area, we are talking about a commercial area.

I do want to thank Mr. Bill Millar, who was very forthright at our post agenda. I had a telephone conversation with him also, and I believe him and I believe that he will work, especially on the loop, he made it very clear. The loop is up for discussion a lot more than the other end of the bridge, the Market Street touchdown, and if we can remove the 360 degree turn, and he is going to continue to work to do that, I think that maybe we do reach a happy medium here, with the timing of the project on one hand and the concerns of this body and a lot of other individuals with the circle.

Stating that, I would just like to ask my colleagues, also, support this, only because of the overriding concern of the timing of the project.

The Chair:

Thank you, Mr. Onorato. Councilman O'Connor.

Mr. O'Connor:

Yes, I feel one of the -- probably maybe the major problem facing this region is traffic and transportation. I do not think this is a hundred percent. As I said, it looks like it will take Mario Andretti to make that turn, but we are talking about 25 mile an hour buses, and again, I have to see it work, but it is too late in the game to stop it. I do not think it is a hundred percent right. I hope Mr. Millar continues to pursue a better plan, if there is one.

It gets us in the right direction, I think, that we have to start looking harder at mass transit in this City, besides the one mile Downtown subway. Whether we connect Oakland with Downtown and North Side and South Side, we have a lot to do and I hope that this encourages our elected officials, state and federal officials, that they start bringing home so more money to address this problem.

I would also encourage our State and City planners, bring this to us a little sooner. We are always -- just like the emission problem, we are at the end of the line and we are forced to make a decision. Again, we cannot stop this. I do not think we would be doing the right thing to try to stop it. I would encourage them to keep us better planned. It seems like we have some better plans on this Council than a lot of the engineers that I see design these things. So, I would just encourage them to keep us more informed, but I will support it today.

The Chair:

Thank you, Mr. O'Connor. Other comments? Councilman Cusick.

Mr. Cusick:

Yes, if I could just briefly just touch on a few points that were brought up. The touchdown point in Downtown on the Fort Pitt Boulevard there were probably about seven to nine other proposed touchdown points. Mr. Millar and Port Authority has said they will provide us with reasons why they will provide us with parts of this project at the other end, at the loop end, Forest City is very willing to work along with the Port Authority to come up with another design. So, I feel very hopeful on the south end of the bridge, and I hope that this Council will not stop this.

The other thing that no one seems to mention and that is the creation of a lot of jobs out in this busway, and so today I hope that my colleagues will support this and we can move along.

At some point, Mr. President, as we move along, I would hope that you will hold a public hearing in regards to this so that we can have some input from the public.

The Chair:

Thank you, Mr. Cusick. Other comments?

I would like my comments brought forward from the public hearing, and thank

Director Millar and others for their involvement and candid participation at that post agenda meeting.

(REMARKS -- SEE ADDENDUM)

The Chair:

If I had to name this bridge I guess I would call it the "dupe loop" because my problems with this bridge are not fundamentally just the 360 degree curve as you come out of the Wabash Tunnel, which I think is fundamentally a design flaw, in terms of safety, and equally important, the actual vehicular flow, in terms of actually getting people from the Wabash to town, I still fundamentally disagree with the Market Street set down, and I would prefer that we not vote for this and continue to have public hearing and review other engineering reports relative to possibly the Grant Street location.

I think the two reasons why we are hard pressed to move this along, and both of which have been mentioned, one obviously is the pending closure at some point of the Fort Pitt Bridge works, which is badly in need of repair and, quite frankly, dangerous in many locations, and secondly, quite obvious and certainly something I feel -- I see the Carpenter's Union in the audience today and there are a lot of building trades and a lot of commerce and business activity and job creation, what have you, comes out of this important construction project, and I do not think that can be unnoticed since it is an important consideration.

I think equally, though, it is a balancing act. We have before us a 350 million dollar plus capital expenditure involving federal and state dollars, as well as some City dollars from the Fort Pitt Boulevard side, and as Senator Wagner and others have pointed out, in a way it is really probably the one shot we will have in possibly the last couple decades and, unfortunately, maybe the next two decades, to really frame and fashion what type of pedestrian/vehicular flow is going to come out of the South Hills to the Downtown to begin to fundamentally deal with some long-standing problems.

It was interesting when Mr. Wagner pointed out how many bridges come from the North Side corridor into the Downtown, or from the East End that flow Downtown, but when you really look at south of the river, other than basically the Smithfield Street Bridge, the old Brady Street Bridge at the lower end of the South Side, you have basically limited with the Fort Pitt Bridge. This construction project, not so much just the way it is conceived right now, but the allocation of so much time, money, resources and dollars, is really a one big shot to greatly influence what is going to happen relative to a major problem, and that is getting people south of the river and through the tubes into the Downtown corridor in a more expeditious fashion and also the whole issue of the linkage, which is so vitally needed, to the airport.

So, in a way it is a balancing act of the need to expedite it because of the need for jobs, the need to resolve the Fort Pitt Tunnel closing, but really it is one of our big last shots at having influence on a major construction project.

I am still loathe at the rush to judgment and I still have some major problems and, in fact, I had visioned actually maybe even a little bit of a larger construction project, and that is recognizing that a good percentage of the traffic that comes out of this tunnel is not intending to end up Downtown, if anything there should be a more direct linkage to the Boulevard of the Allies or the eastern routes going to the Oakland corridor or to Bigelow Boulevard and eventually Baum Boulevard because disproportionately a large percentage of that traffic is not intending to come Downtown but to go to other points, as Mr. O'Connor pointed out.

There are those kinds of linkages that this thing just leaves out, and to have the unbelievable amount of traffic, both cars, as well as pedestrians and bus traffic, one a minute actually, at key times, to just bottom out at the Market Street location, is just fundamentally flawed, and this notion that traffic is going to flow, I just think is not going to be the case at all.

So, I respect all of my colleagues, I think that they have waged good arguments here. It is hard pressed not to support this but I would still prefer that we be more deliberative and I cannot comfortably vote in favor of this project because of the reasons stated.

Any other comments?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. O'Connor
Mr. Cusick	Mr. Onorato
Mr. Hertzberg	Mr. Ricciardi

AYES 6 NOES 2

(MR. SMITH AND MR. FERLO, PRES'T, VOTING NO)

The bill having received the legally required number of votes passed finally.

Also,

Bill No. 1217

A Resolution entitled, "Resolution adopting Official Sewage Facilities Plan for the Arch Court Plan of Property, located on Arch Street at the intersection of McNary Way in the 22nd Ward of the City of Pittsburgh."

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

The bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Smith
Mr. O'Connor	Mr. Ferlo (Pres't)

AYES 8 NOES none

The bill having received the legally required number of votes passed finally.

The Chair:

That concludes our Reports of Committees.

MOTIONS AND RESOLUTIONS

The Chair:

Under Motions and Resolutions. I did want to announce, on the review committee working on alternative government operations, Councilman Cusick asked and I wanted to appoint our Deputy Prothonotary Michael Lamb is going to sit on that committee also; he has been involved obviously in the past with City government, he has been involved in reorganizing the activities within the Prothonotary's Office, bringing them into the information age, and I think he would be a vital resource person to sit on this committee.

Any other comments under Motions and Resolutions? Mr. Onorato.

Mr. Onorato:

Yes. Mr. President, forgive me, but I have to back up one second. If I could have my comments brought forward on Bill 1163, I forgot to mention that, and I just want to thank my colleague for support of the bill, and that is the bill regarding the Section 8 Certificate Program. Thank you.

(REMARKS – SEE ADDENDUM)

The Chair:

Thank you very much. Mr. Cohen.

Mr. Cohen:

Mr. President, I am sorry, I would like my comments brought forward on the same bill, and commend my colleague for it.

(REMARKS – SEE ADDENDUM)

The Chair:

Let's all bring comments forward on 1163.

(REMARKS -- SEE ADDENDUM)

The Chair:

Very quickly. I think all of us only this morning received the Preliminary Budget Document. I just want to raise a couple concerns very quickly. The Mayor characterized it as lean and mean, that is true, but a quick review of it suggests it is lean, mean and, unfortunately, already in grievous error. If I looked at it correctly, unless one of the budget officers, Mr. Miranda, can point out, it would seem as though the Preliminary Budget that has been presented to us, which has not been the case in the past at least, does not include any salary consideration, recognizing that close to eight contracts are currently being negotiated. If you figure on basically a 250 -- of the 331 million dollar budget, roughly 215 million dollars is salary obligations out of that budget, disproportionately most of the budget, as we know, is salary, I cannot see a situation where the Collective Bargaining Agreement is going to result in a zero increase. I would think that in terms of real wages or cost of living increases, as well as increases in the fringe benefits, notwithstanding the hoped for task force on health care, if you add that up, it is roughly a nine million dollar consideration. Nine million dollars is a significant amount of money.

Now, I may be in error on this but in quickly looking at the budget documents following the Mayor's Address, it appears as though that consideration of dollars is not included in the Preliminary Budget. If that is the case, then already off the bat we have a problem and it is going to necessitate a lot of thought and activity on the part of the Council during the budget deliberations.

The budget also talks about roughly 3.4 million dollars that is hoped for in the savings on Workers' Comp and of that 2.1 million dollars is less in the utilities. I think we need to see that documentation every year. Since we have been in here utilities have gone up, not down. This past year there was a temporary five percent reduction because of something negotiated with the PUC and Duquesne Light.

I am just raising these as specters that we need to deal with as we begin the budget deliberations, in addition to these social policy issues, such as the Hungry Trust Fund, the Neighborhood Housing Services Programs and a whole host of other issues that have basically been gutted in the budget consideration.

I respect the initiative. I think a lot of staff people worked hard, but if I am accurate, then we already have a budget that is basically out of whack and in grievous error and I think we need to really seriously deal with this up front.

Just in closing, there are several policy initiatives. I know Mr. Ricciardi has been very active with the Administration on this issue of transferring the Water Department to Water and Sewer, making it an operating department. I know he has a lot of arguments and good arguments to consider that, but it is a controversial issue, there are some drawbacks that I think we need to discuss and I hope we are aware of that.

Secondly, we have had a lot of problems with the Residential Sticker Parking Program and I am a little bit hesitant to automatically assume the transfer of that program to an independent parking authority, that, quite frankly, we do not even have a say so on who sits on the board, as well, the Parking Patrol Officers, which are members of AFSCME, would be transferred -- I do not know if they will be transferred but they would no longer have a position in the Operating Budget, in terms of actually parking enforcement.

So, again, between the budget issues that were raised today and some of the major policy concerns, I hope we are really focused and, as well, I really think, with the permission of Mr. Onorato, being Finance Chair, although we are locked into some public hearing dates, I think we may want to have some separate public hearings just on some of these policy issues, and I think we need to and

we have an obligation to communicate to neighborhood groups on some of these issues, as well as the work force.

Again, I think it is a lot of hard work. I applaud the Mayor and his staff for the initiative, but I really have some fundamental concerns at this time, and that is only with a quick review.

Councilman Ricciardi.

Mr. Ricciardi:

Thank you, Mr. President. I think you bring up some issues that obviously need to be addressed during our deliberation. My overriding issue, that it is no tax increase, and I am very pleased to hear that, and that is going to be my focus during all deliberations, that in no way do we raise taxes here in the City of Pittsburgh. Thank you.

The Chair:

I think this Council is unanimous on that point.

Mr. O'Connor.

Mr. O'Connor:

On a different subject. I hope my wife is watching. Sometimes she watches.

My son just walked in and he came from downstairs where he got his final scores for his Bar Exam and he just told me he passed.

Mr. Onorato:

All right.

Mr. O'Connor:

So, I have a lawyer in my family, and we will have to lighten up on you lawyers. I guess I will have to lighten up on you guys.

The Chair:

Congratulations.

Mr. Hertzberg:

Less lawyer jokes.

Mr. O'Connor:

I can't tell any more lawyer jokes.

The Chair:

Congratulations very much.

Mr. O'Connor:

I'm going to go celebrate.

The Chair:

Any other comments under Motions and Resolutions?

Again, we want to say "hello" and welcome our newly elected Councilwoman, Valerie McDonald, from Council District 9, who has already hit the ground running; we are hoping her certification is in on the 21st, which is a little bit expedited, and we will have a formal ceremony next week for her swearing in.

Councilman Cohen.

Mr. Cohen:

Mr. President, I am sorry that I did not tell you this before.

I just wanted to let my colleagues know and anybody who is watching, that we had a conference call on the cable TV issue last week. You had asked me to brief Council on that.

We have to make a decision here in this Council by December the 21st on the filings that have been made by TCI, those include current rates, as well as future rates, and the schedule that David Wormser, the consultant, has agreed to is that he would get us a draft of his report by November 22nd. Deborah Miskovich, the Director of General Services, and I spoke with him. They also have an accounting firm that is looking at it. We have not seen their results. We then will have two weeks to look at it before we actually introduce it. It has to take the form of legislation. So, please expect that to come relatively soon.

That having been said, there was an announcement by the FCC, the Federal Communications Commission, last week, that I found very disturbing, and that is that they would be allowed to increase the amount that they are permitted to charge the customer for new channels. If the cable company wants to add new channels, then under the current regs. by the FCC, they can charge only the cost of programming plus seven and a half percent. The FCC announced -- hasn't issued the regulations yet -- that they are now going to allow them to raise the price even more for new channels.

So, I am going to draft a resolution, for this Council to hopefully approve, that opposes that move. The FCC, I am afraid, is being co-opted by the cable television operators and are moving away from their more consumer-friendly posture of about a year ago. So, I think we should strongly oppose that and continue to put pressure on TCI. Thank you.

The Chair:

Thank you very much, Mr. Cohen. Any other comments or discussion?

Hearing none, this Legislation Session, Councilman Cusick.

Mr. Cusick:

If it be the body's will, I would like to make a motion to adjourn this meeting and then meet again on Monday, November 21st at 2 o'clock.

MR. COHEN seconded the motion.

The Chair:

It has been moved and seconded.

We need a motion, also, as part of that to approve the Minutes.

MR. ONORATO moved to approve the Minutes of Monday, November 7, 1994.

MR. COHEN seconded the motion.

The Chair:

It has been moved and seconded on the Minutes and the scheduled hearing.

WHICH MOTION PREVAILED.

And on the motion of **MR. CUSICK**

Council adjourned.

(BEGINNING - MESSRS. HERTZBERG AND ONORATO'S COMMENTS ON BILL NO. 1064, WEDNESDAY, NOVEMBER 9, 1994)

Mr. Hertzberg:

I would hold this for one second. Can we hold for a couple of minutes until the Director walks in?

Mr. Cohen:

Second for holding.

Mr. Hertzberg:

I withdraw the motion to hold.

The Chair:

Go ahead Mr. Hertzberg.

Mr. Hertzberg:

I think this has come up a few times for votes and there was a little bit of information requested that I hoped we could get in front of Council that was related to costs of running the skating rink. I know that Mr. Jones had been away when this came up previously and he had information on that I was hoping we could get in front of Council and vote on this thing with full information.

Ms. Gallo:

We just sent some information up yesterday that the revenues and the expenditures -- do you all have that?

The Chair:

We did receive a memo, we can make copies of it.

Ms. Gallo:

It went up Monday.

The Chair:

Everyone received a memo but if you don't have it in front of you we are having copies made for everybody.

Mr. Hertzberg:

Would you mind just reading it to us.

Ms. Gallo:

We're looking at revenues in 1991 of $151,000.00 plus; 1992, revenues went up $167,754.00; 1993, it was $175,205.00 and we're estimating in 1994 approximately $185,000.00 in revenues. And as you can see the revenues have built up nicely over the last four years but so have the expenditures and the expenditures have probably risen a little more than percentage-wise that the revenues. Now in 1993 there was a very large deficit -- $67,622.00. That was because we attempted to put in sand volleyball in the summer. We spent a lot of money trying to get the program going and we found that it didn't pay for itself and we eliminated that. We didn't do that this summer and as you can see the deficit for this year will be approximately what it was for 1992. By raising these rates 50 cents which is a very small increase and will also still keep this rink admission less than other rinks in the city, we will be able to add approximately another $10,000.00 of that so our deficit will only be $5,000.00. I think it's a responsible thing to do.

Mr. Hertzberg:

I have no more questions, I appreciate your explanation and I wanted to get it in front of Council exactly why we're doing it and all the figures and I apologize that it wasn't here earlier but it's in front of you now.

The Chair:

Any other discussion on the bill? All in favor? Opposed? The ayes have it.

Mr. Ferlo:

Roll Call vote, Mr. Chairman.

The Chair:

We will have a roll call vote. Before I call the vote, I didn't realize there was opposition to this so let me make a comment on the bill. Director, you have my full support on this bill and my full support to go forward to look at all of our facilities to make them as close as possible to breaking even with user fees. I recognize that the days of providing everything free are over with the lack of the federal dollars that used to exist ten years ago. I'm a strong believer that I would rather have user fees than to have to start closing some of these facilities to at least have the option there and I would hope that we would have a working majority of this body to

eventually support any recommendations you send forward which might not be pleasant but are very practical.

(END OF COMMENTS)
PREPARED BY: MARY ANNE HRUSKA
STENOTYPE REPORTER

(MR. FERLO'S COMMENTS ON BILL NO. 1159)
(Wednesday, November 9, 1994)

Mr. Ferlo:

I am going to vote in favor of this resolution. As I stated at the post agenda meeting, I think we need to move ahead. However, I support many of the criticisms of the project. I think Senator Wagner in particular brought out a lot of issues that he has been attempting to address to the planning committees over the last several years, and I think they are major issues. I really fundamentally disagree with the bridge being set down at the Market Street location. It is not the best location. I still firmly believe that the Grant Street location should be considered. A large percentage of that traffic coming out of the Wabash Tunnel is not intending to go Downtown; it is to go eastward, either through Bigelow and Baum Boulevard or out through the Boulevard of the Allies to the Oakland corridor. We are taking a tremendous amount of traffic, both the vehicles, as well as the buses, and they are going to dead-end at Market Street coming across the river. It is just crazy. It makes no sense. And because of the urgency with the Fort Pitt Bridge closing, we are rushing to judgment and not using our best judgment as to where this bridge crossing should actually set down on the Downtown central business district side.

Secondly, the curve, the Kennywood loop, whatever you want to call it, that comes out of the Wabash, I still think is fundamentally design flawed. It has at least seven curves roughly at 360 degree circle. It is a 7 percent grade, in addition to a little bit of a grade coming through the tunnel. It is going to be unsafe, there are going to be accidents. People are not going to drive 15 or 20 miles an hour. For every reason, design, safety, the traffic flow to the Downtown, the present project is not construed properly. I am going to reserve my vote on the actual cooperation agreement, which you say will come to us several months from now or a few months from now. I am hoping between now and the time of the actual cooperation agreement through the committee of Council -- we also asked Senator Wagner to participate -- we can see whether or not we can possibly modify this proposal.

Mr. Reginella:

I share your concerns, as do other members of

Council, obviously.

With regard to Grant Street as an example as the potential touch-down point, please bear in mind that on Grant Street we have three ramps connected to the Parkway; we have the on ramp going east on Parkway, we have the on ramp going west and we have the off ramp coming from east to Grant Street. In addition to that you have Fort Pitt Boulevard east and west bound also making connection at Grant Street at that particular point. So that is five points of contact with Grant Street at that location. To bring in a new bridge is mind boggling to me, quite frankly. Another complexity that crops up into the picture, the present elevated ramp to the Parkway East would have to be raised above its present elevation in order to allow the new bridge to come in. It is just a whole number of things.

Mr. Ferlo:

My point on the Grant Street location is not necessarily that the bridge would just set down there, but I am looking at the whole traffic configuration at or near the Grant Street corridor, recognizing that a large percentage of traffic is coming from the South Hills and beyond only to get to Oakland and not Downtown. A large percentage of people working in the hospitals and the health care institutions, universities, people working in Oakland, are coming from that South Hills area. Maybe there should be a direct connection to the Parkway, as opposed to dumping people out in Downtown only to have them struggling to get through red lights only because they want to end up back on the Boulevard of the Allies, the Parkway or Bigelow Boulevard. If we are going to do it, let's do it right. We are not doing it right.

Quite frankly, the project had more of an imprint from the City Planning Department and probably not your department if you want to be honest about it, Director; right?

Mr. Reginella:

I go along with that statement.

Transcribed by: Helen L. Kriebel
Stenotype Reporter

Mr. Cohen:

I think there is a chance at least, maybe a decent chance that the new ownership will approve a more logical design over there and hopefully that will happen. So I think we sent a message and we should vote for this right now.

The Chair:

Let me add my comments. I would support the resolution today too but I want to also be on record that I'm 100 percent against the design as it currently stands. I think the loop is flawed and I think that the destination point at Market Street is flawed. What I heard from the discussion at the public hearing from several of the officials that there were a lot of different issues they had to deal with. One being the property owners interest at Station Square which I respect and should be considered but I am not convinced that they also considered what the property interest was at Market Street when this thing is completed and there is no doubt in my mind even though no one admitted to it that if this structure gets built the way it's designed right now that somewhere in the future you will see Market Street either widened or somehow redeveloped because that bridge is going to go straight through into town. Right now the plans are to bear left or right but the demand will eventually dictate that we have to go straight and you know as well as I do that once it is built no one is going to tear it down and redesign it and that is the only option we will have to go straight is onto Market Street.

As I said earlier, I respect the Station Square owner rights but when it comes to public highway systems, I always thought it was the general public's benefit that overrode. I have 15,000 families on the Northside whose rights were overridden and removed for a major benefit for a lot of people that don't even live in the city and we couldn't even get an off-ramp to the Northside over the Veteran's Bridge. So someone is asking me if I'm frustrated, am I skeptical at PennDOT, you're damn right I am because we're living with the design flaws of the 60's, 70's and 80's right now on the Northside and it's frustrating just because we have a big deep pocket ownership here that it appears they're getting a little different treatment as opposed to "mom and pop" who happens to live in a single-story home on the East Street Valley or wherever it might be. Either we're doing this for the good of the public or we're not. I don't think a loop should have designed to move a pillar off of someone's property if that pillar would create a design that is better for all of us. I am not convinced that that is what happened and what I heard actually scared me and just the opposite happened. That it

appears that this property person's right was the deciding factor on why this loop was developed and why we're going into Market Street and I think that is a shame. The only light at the end of the tunnel is that Mr. Millar made it very clear that the loop is not set in stone at this point; that could be removed but unfortunately he seemed to state that the Market Street is set in stone. I am hoping that both of those designs can be changed before we have to enter into this cooperation agreement.

As I said at the public hearing and I want to state it for the record today, that the residents of the South Hills are going to suffer when that Fort Pitt Bridge is under construction and I think it would be a disservice to every one of them that lives south of the city to create a temporary relief that will actually be a thorn in their side for the next 20 years once both bridges are up and running. I don't see this as a long-term solution, only as a short term and this is not a reflection at you Director but rather this is directed at PennDOT and the Port Authority and the state engineers that designed this because I think even in your heart there's other designs that you probably would approve if we had a perfect world that could make all the decisions within the city. So hopefully between now and the time we have this cooperation agreement in front of us we see significant changes in the design. Any other discussion?

Mr. Smith:

Yes. This is not directed at you because you don't have the control over this project but we have the control at this table and could say no and create a problem for them. I am not voting for this, this is our first tactical defensive line of getting them to re-evaluate the problems that we have all now see rising. I don't want it in my district which is at the Market Street. It is creating a problem, we know it's going to create a problem, there is no reason for us to waste the citizens' tax dollars by creating a problem that we're going to have to correct down the line. I will not vote for this, not because of anything you did or didn't do but because if they want this bridge, they're going to have to come up with some serious compromises that will not affect the traffic in the City of Pittsburgh over the next 50 years.

I'm probably going to say no at every point that we have the ability to grant either usage, contracts, cooperative agreements. I think this is probably the worse engineering that we have every had. We already know it's going to be a problem and it is not going to be advantageous over the next 50 years.

I watched the hearing the other day and if you can tell me that you may not have the circle design but yet you're asking me

up front to grant you where to put a pillar then you already have a plan. So I mean I just feel as though we are being hoodwinked early in the game and I hope my colleagues don't support granting this spot because if we grant this spot there is only one way it can come and I think we're being hoodwinked into granting the spot so that all of the plans that they have are in stone.

Director Millar talked about we could change this, we could change that, we can move this. Once you anchor this to the ground there is no changes, it's flying one way and one way only and I think that that's one of the problems with my perception of coming into my district and creating a problem. I thank you but I'll probably be one of those who says no.

Mr. Ferlo:

We need to discuss this more. I was trying to use a six-pound sledgehammer and Councilman Smith wants to use a twenty-pound sledgehammer right off the bat. I was trying to be a little more tactful and suggest that we move on this but I was doing that under the presumption that the project actually cannot move ahead until we have the cooperation agreement in place. That is what I was operating on. If that's not the basis then I'm going to support Mr. Smith's proposal which is to take the stand and let this be the alamo here and vote no so that we can begin to redirect it. I was trying to show good faith on this and get the planning process in place with the committee of Council, Senator Wagner and others and try to still argue out the issue of the loop, the bridge and actually where it is going to end up. If Mr. Smith is correct in that they will move quickly to anchor something and start the project and expend dollars and from a P.R. point of view be one up on us, then I will join my colleague and vote no. What are we doing in terms of the actual --

Mr. Reginella:

-- I need to respond to you of course and I need to respond in a most truthful manner.

The so-called agreement of cooperation frankly is nothing more than a reimbursement agreement which will establish the Authority's financial responsibilities for costs incurred by the City while they reconstruct Fort Pitt Boulevard. There are changes we need to make that are necessitated by the new river crossing and we feel that those costs should be incurred by the Authority and not the City. So essentially the reimbursement agreement -- the agreement of cooperation simply established a financial responsibility.

Mr. Ferlo:

You didn't clearly -- I am not attacking you here but that did not clearly come across when we had the post-agenda meeting. What I heard you say at the post-agenda was that the construction activity will not happen pending this cooperation agreement. If that is the case, I am voting no and joining my colleague Mr. Smith at this point and we will have to take the stand and let this resolution be the expression of this Council if it is the majority, that we're not happy with this project and it may be that we want to hold or vote no on the bill today pending some immediate negotiations regarding the loop and the others that are outstanding. So I have to change my position here and support my colleagues.

Mr. Reginella:

I need to tell it like it is. The construction activities that we may have been referring to the other day will be the construction of the Fort Pitt Boulevard or the relocation of Fort Pitt Boulevard, that we will not be willing to initiate that project until we have the commitment from the Authority that they will reimburse the City to the tune of $400,000.00 for costs that are generated by the new river crossing. I think that it is my understanding at least that once we granted the easement that in essence the Authority then once a legal document has been prepared and executed, that the Authority is in a position to begin construction at that sight. I don't feel that the agreement of cooperation that I'm thinking of will have any bearing on the construction of the bridge.

Mr. Ferlo:

Then you just confirmed Councilman Smith's expression and I want to make it clear that I am voting no, I'm joining Councilman Smith on the point. I think we need to -- this has to be the line in the sand or the line in the wharf because we're going to have to re-negotiate with the Port Authority and PennDOT.

Mr. Hertzberg:

So I am crystal clear too. I think I am on what I'm voting on today. the vote today would actually locate the pier, the sole support for this bridge that will be on the north side of the river. If we approve it, it will be in such a location at the touchdown point will be what the current plans call for near Market and Ft. Pitt.

Mr. Reginella:

That's correct.

Mr. Hertzberg:

The only other piece of legislation that will come in front of us deals with Fort Pitt Boulevard and the parkway and all the relocating of up and down movement.

Mr. Reginella:

We need to understand that to deny the Authority the right to touch down on the City's property on the north shore of the Mon River is to halt the project. I hope you are realizing the seriousness of your decision because if we don't grant them the right to utilize our property for the construction of their piers then the bridge can't be built and if the bridge can't be built you don't have a bus way.

Mr. Ferlo:

I know explicitly what my no vote means and that's the intended purpose.

Mr. Hertzberg:

I want to go on record once again that I am voting in favor of the legislation and to revisit what's been hashed and re-hashed by a number of people that are experts in the topic and that is going to continue to be dealt with in the best public interest, I'm in favor of this bill. I don't know what more we can do that isn't being done on this already and that hasn't been done in the past. This has been studied over and over again. I wasn't even on Council when it was on here but I can see that. I'm going to place my reliance on people like Fred Reginella and at some point that's what it comes down to and that's what it should come down to and that's what's it's coming down to for me.

Mr. Reginella:

I'm incurably convinced that there isn't a better location than Market Street in spite of all of the problems that have been pointed out. Any other location will have more serious problems and I need to tell you that also. I am not so high on the selected touch down point because of the obvious problems that it creates particularly traffic-wise, but as stated in my four-page letter to the Authority of last year, all of the other options are equally bad or much worse in fact for physical reasons as well as for the traffic considerations. I don't know what to tell you beyond that.

Mr. Cohen:

I want to clarify an important point to me and that is on the other side of the river. By approving this easement we do not lock into effect the 360-degree loop on the south side of the river; am I correct?

Mr. Reginella:

That's correct, provided that the new Station Square owners are willing to permit the height increase of the viaduct as it comes through Station Square. If we can raise that --

Mr. Cohen:

-- but we're not approving that loop.

Mr. Reginella:

That's right. All you're approving is the location of the piers for the northern terminus of the bridge at Market Street.

Mr. Cohen:

That design could be changed. On the other hand on the north side of the river what you are saying is by approving this easement we are approving a Market Street touch down.

Mr. Reginella:

However, if the structure that runs through Station Square was to be relocated west of its present location or was to be relocated east of its present location then I don't think that the Market Street touch down point is any longer a viable one. The bridge pretty much crosses the river at a 90 degree angle more or less at this point in time. If in fact the location of the structure at Station Square was to be shifted, then you cannot be coming into Market Street any longer. It would void a need for the easement of Market Street.

Mr. Cohen:

I assume then if PennDOT, Port Authority and the Department of Engineering and Construction of the City decides that the pier on the south side of the river has to be moved in order to have a freer flow then you would come back to us with respect to the easement on the northern side of the river.

Mr. Reginella:

I would think that would be a logical process, yes.

Mr. Cohen:

There are two obvious issues here. One is the 360-degree loop at Station Square and the other is the touch down point at Market Street and what you're saying is the alternatives be it Grant Street or Stanwix Street are worse and I respect your judgment on that but I have to believe that the loop on the Southside can be straightened out and it has to be changed so I don't want to vote for this if we're locking the loop into place.

The Chair:

I have a question. If you can clarify for me, why does it take the property at Station Square, the owners approval as opposed to the eminent domain or whatever other powers PennDOT usually has when they are building a highway?

Mr. Reginella:

I think Mr. Millar when he was posed with that question the other day responded that "Yes, they do have a right to condemn private property." He stated that they don't have the right to condemn municipal property nor river property but they do have the right to condemn private property. For obvious reasons it is desirable when one is encountering that type of a negotiation to settle the matter amicably rather than resorting to court action, the condemnation proceedings themselves are quite lengthy and it may tie up the project in a court of law for years and so obviously they have opted to accept the offer that was made by the former owners of Station Square and have gone with the present design. We can stay in that location but eliminate the loop by simply raising the structure at Station Square. That also of course brings in the other matter of there being a steep grade between that section of the structure and the bridge proper. If you raise the structure at Station Square 20 feet, well you need to negotiate a downward grade of about 20 feet or more to achieve the level of the bridge so that also brings in other complications. We can go on and on and on and obviously at one point in the project will necessitate other adjustments.

Mr. Smith:

I am not an engineer but I find it amazing that we're willing to put out millions of dollars today and we don't have a plan. I can't fathom anyone in their right mind putting millions of dollars on the line asking us to give them approval and they don't even know what they are going to do yet. Or are they really just going to bills.

The Chair:

Motion to submit to the President to schedule a public hearing.

Mr. Hertzberg:

Second.

Which motion prevailed.

(END OF COMMENTS)
PREPARED BY: MARY ANNE HRUSKA
STENOTYPE REPORTER

(BEGINNING - COUNCIL'S COMMENTS ON BILL NO. 1163, WEDNESDAY, NOVEMBER 9, 1994)

Mr. Hertzberg:

Mr. Onorato, if I can have a motion to amend by substitution and I'll pass around the substituted bill.

Mr. Ferlo:

Motion to amend by substitution.

Mr. Ricciardi:

Second.

Which motion prevailed.

The Chair:

The bill I'm passing around takes into consideration the comments that were made at the public hearing which was held on November 1st. There were a lot of good suggestions and I'd like to go through some of the changes.

If you look at Section 1 dealing with the request for the map and where they are located, I made adjustments based on Mr. Lowe's suggestion and that is that an inventory and a map can be produced and sorted by zip code, by property owner and the number of Section 8 certificates by property owner and this would fall within the Federal Privacy Act and he didn't see any problem and said he would start working on this immediately to get us the information. So I removed the other language and replaced it with what he's suggested.

In Section 2 that remains the same. In Section 3, is the same also. Section 3-B under Problem Tenant, we removed totally the escrow clause there. The escrow remains with the "Problem Landlord" but under "Problem Tenant" we're removing the escrow because the Legal Department made a very good point with the Problem Tenant if we force the Housing Authority to withhold rentals until an eviction starts, that sort of puts the whole government against an individual tenant as opposed to just the landlord doing it themselves and there is a constitutional problem there and I agree with them so that is removed. However, under Section B, Problem Section - A Tenant -- I left the description in of a Problem Tenant based on the language from the Housing Authority's own regulations. I also added Number Three under "B" which is Tenant Selection and if you read it says, "The Housing Authority City of Pittsburgh shall use the same tenant selection criteria as the Housing Authority of the City of Pittsburgh Scattered Sites Program." Once again that is

per their regulations and Mr. Lowe said he would address that along with the Legal Department.

Finally, I'd like to comment on the bill overall. This bill is just to try and get a handle and a grip on the Section 8 Program which is administrated by the Housing Authority. This is to work with them not to supplement anything they are doing but to try to achieve the goal we all want and that is to have low-income housing that is both good for the tenant and good for the landlord and good for the surrounding neighbors. All this bill will do is try to get control of where they are located and do a cross reference with our Building Inspection and other departments be it real estate taxes, water bills and to make sure that a problem landlord is not reaping profits off the back of the City and the back of our neighborhoods by collecting government subsidized rentals when they're not keeping up their properties to standard and we are just using the departments that are in existence and making sure that the Housing Authority knows what the City is doing and the City knows what the Housing Authority is doing and it appears to be poor communication as we speak and this is an attempt to clear up the communication.

Mr. Ferlo:

First of all I applaud the initiative and I wholeheartedly support the legislation as amended. As Vice-Chairman of the Housing Authority Board I'd like to make a commitment to this Council that I will communicate to the Board formally the resolution, the adoption of this resolution. The Section 3 clearly states that we are making specific requests to the Housing Authority Board, obviously we can't direct the Housing Authority because it is an independent agency but what I would like to commit though is that we'll take this information and I will seek to get a formally adopted resolution from the Housing Authority Board setting into motion the specific requests that are outlined in the resolution, especially in the terms of the tenant selection and the qualification of the landlord and things of this sort.

On the bill itself, I know there was a lot of discussion at the public hearing. I think everybody regardless of their income or their background wants safe, affordable, decent housing. Unfortunately out of the thousands of public housing apartments or houses or units that are either owned by the Housing Authority or managed through the Section 8 Program, out of thousands unfortunately there are a small percentage of tenants, there are a small percentage of landlords who are not only bad tenants, bad landlords but they create a situation that is really harmful to adjoining property owners, they bring down a neighborhood, they create a lot of problems for the City Building Inspection, for Environmental Services, for the Health Department, you name it. I think what Mr. Onorato's bill

attempts to do is focus in on that percentage of those landlords who are quick to make the buck as Mr. Onorato talked about a couple weeks ago but don't want to fulfill their obligations and I think the bill really outlines and provides some additional tools that we can use especially at the neighborhood level. So I applaud the initiative and I will be supportive and I will try to move it further ahead by getting a commitment from the Housing Authority Board.

I have one possible amendment and because of the election yesterday we didn't have time to talk with the Chairman and that is on the issue of the inspection itself. The Housing Authority inspection is fundamentally different than an inspection that would be done by BBI and Building Inspection. The Housing Authority inspection really is more limited in terms of what it's looking at as opposed to the building code violations that may be present that would be found if a if a BBI or a city code enforcement officer. One suggestion I'd like to make and I don't know if it's practical or possible and that is under the 3,000 plus units that are Section 8, my proposal would be to amend this bill and request that a city building inspector accompany the Housing Authority inspector on the yearly inspection procedure. This way, we resolve the problem of not being able to know what is a Section 8 unit which has frustrated all of us including adjoining property owners, so the idea here is whether or not we can amend this bill if you think it's supportive of the resolution.

The Chair:

Actually that is a good suggestion and if you look under Section 2 which deals specifically with the Chief of the Bureau of Building Inspection, right now I have in here that the Chief would work with the Housing Authority to transfer over complaints. I think that's where we should add the amendment that we can add to the paragraph either at the beginning or the end that the Chief or his inspectors shall work with the Housing Authority and accompany the Housing Authority inspectors on the inspections and I will put this in before Tuesday. Is there a second?

Mr. Cohen:

Second.

Which motion prevailed.

The Chair:

All in favor? Opposed? The ayes have it. I will have it in writing by Tuesday.

Mr. Cohen:

I want to commend you for your leadership on this issue. This is one of the ways in which public policy should work and that is that you had a problem in your district, constituents came to you and told you about the problem particularly with that Section 8 facility or facility that is expanding Section 8 rather and you looked at the issue, saw there was a serious problem and moved to try and correct the problem so I want to commend you for that and I wholeheartedly support this bill. It makes no sense at all for us to be giving vouchers or certificates which really is federal taxpayers' money to landlords that have overdue building violations, water bills, taxes, etc. and then to actually qualify additional units for landlords who are bad landlords and what your legislation is doing is taking a strong first step toward ending that boondoggle and I support it wholeheartedly.

Mr. Hertzberg:

Mr. Chairman, thank you for this legislation. I'm in full support of it and I share your concerns. In City Council District 2 we have a large community, the Westgate Village which is all HUD Section 8 units and we have really received a large number of complaints. I have personally been their on a number of occasions and we definitely have to try to get that situation under control and I am hopeful that will work. I also got in Council District 2 a large number of the scattered sites to a degree that I don't think they are scattered sites anymore and that we received complaints from both tenants and neighbors about and I appreciate your initiative on this and I'm hopeful that the Law Department and the Housing Authority can really dig in on the legislation because that has been the problem until now and it's federal legislation, federal funding and it has been a kind of a hands-off attitude with respect to that. I don't know if it's out of fear or out of a lack of ability to do anything to impact the federal people that are involved in the programs. Hopefully with this legislation we can really dig in and do something about it and I thank you and I support it and I will be voting in favor.

The Chair:

Let me end by saying that there is over 3,342 Section 8 subsidized units in the City of Pittsburgh and I have been told by officials over at the Housing Authority that it can grow by approximately 100 a year and Councilman Ferlo brought the point up that we might get to the point where how many can this city withstand and we may be reaching that point where we can only have so many until we run into a density problem which has effects on our neighborhood and he brought up the issue of can we expand beyond municipality boundaries? That's a different

issue in the future to discuss but I think the mapping and the inventory will give us a better understanding of how well these 3,000 plus are distributed throughout the city. Are there certain areas that have been heavily inundated with these and that we should think about the zoning issues and the density issues.

Finally, to the landlords who called my office. I want to make it clear that if you are good landlord you have nothing to fear. The meat and guts of this bill is the escrow clause under the "Problem Landlords" and that is if you have an absentee landlord who has a building that's receiving federally funded checks and the building falls in disrepair even if it's caused by a problem tenant we understand that however it is still their legal responsibility to take care of their property and they have a couple options. To improve the property or go through the proper legal channels and that is to go through an eviction proceeding; that is not our responsibility. This is a volunteer program and no one is forcing a landlord to get into this program. If they enter it and want to take the benefits, that is a government-backed check, then they have to take the drawbacks and that is the possibility of a problem tenant and we're just asking them to act responsible. If they don't want that risk then don't get into the program.

I'll end by saying this weekend I was at a young child's birthday party and I was talking with an individual I never knew before and he was complaining about how some municipalities -- not just Pittsburgh -- have been harsh on him because he's a landlord and he has 50 units, some in the City and some in Wilkinsburg and complaining about the taxes on his property and also about some tenants and I asked him, "Are those pieces of property wouldn't happen to be Section 8 would they?" It happened to be that all 50 were. So he has 50 units that are being paid by our tax dollars and I looked at him and said, "I have no sympathy for you. I recognize you may have some problems but this is a program that you volunteered for and you're receiving that benefit and are asking you to be a responsible landlord." And I think that this is the right approach at this point. Any other discussion?

Mr. Ferlo:

Just on one of your points. The Housing Authority must in another 30 days enter into a voluntary compliance agreement with HUD. HUD is requiring the Housing Authority to change a number of policies but one of the issues that is in negotiation is the issue of the Housing Authority's ability to actually pull the Section 8 applicants with the County Housing Authority and instead of just directing individuals to city neighborhoods, opening up options to neighborhoods outside the city. So that is currently under negotiation and I've been an advocate for

that and I think in the next 30 days we actually may see a major change in the tenant selection application procedures regarding the Section 8 available units and those units being available outside the city for city residents. In other words the opening up of housing options outside the city not just in the neighborhoods that are focused in on the past for Section 8.

The Chair:

One final thing that I forgot to mention and I apologize. Under that escrow clause even if we decide to withhold a rental check to a landlord, they should realize we are not taking the money away permanently. The money will just be held in escrow until they abate the problem. So I think it even gives them a chance even after we tell them we don't like what you're doing. So this is a fair approach and they can get the money but all they have to do is abate the problem and the money will be released. All in favor of the bill? Opposed? The ayes have it.

BILL NO. 1169.

Resolution transferring the amount of $1,397.03 from Code Account (001008), Accounts Payable Prior Years, to Code Account 1103 (110304), Miscellaneous Services, Department of City Planning. --(SPONSORED BY MR. RICCIARDI)

Which was read.

Mr. Ricciardi:

Move for discussion.

Mr. Ferlo:

Second.

Which motion prevailed.

Mr. Ricciardi:

This bill is strictly a housekeeping resolution. In 1992 this body supported a grants and donations application to the Arlington Heights Residents Council of $2,000.00. Of that, $602.97 has been encumbered. At that time this body also approved the resolution transferring the additional money or directing the unspent money to the Arlington Heights YMCA Outreach Program which definitely has a track record YMCA in the community. Hopefully John Mascio of our Budget Department had the opportunity to speak to each and every one of you. This is really not and for use of a better word, this is not new monies, these are just old monies that we're redirecting that this

resolution needs to be passed in order for the Controller's Office to move with the check.

Mr. Ferlo:

I have no problem with it but I want to make it clear that it is setting a precedent somewhat. I support it fully but in the future when unencumbered fund balances are present and they go back into Code Account 10, I want the same prerogative for the rest of my colleagues.

Mr. Ricciardi:

I agree with that. I want for the record also, the Arlington Heights did put it in writing and hopefully each and every one of you were cc'd so at least there's a good track record and everything is on record for the Mayor's Office and the Controller's Office to review.

The Chair:

All in favor? Opposed? The ayes have it.

(END OF COMMENTS)
PREPARED BY: MARY ANNE HRUSKA
STENOTYPE REPORTER

MUNICIPAL RECORD

Proceedings of the Council of the City of Pittsburgh

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Municipal Record

ONE-HUNDRED TWENTY-EIGHTH COUNCIL

JIM FERLO.....President
LINDA M. JOHNSON-WASLER.....City Clerk
KURT J. SALAC.....Asst. City Clerk

Pittsburgh, PA
Monday, November 21, 1994

PRESENT:

Mr. Cohen	**Mr. Onorato**
Mr. Cusick	**Mr. Ricciardi**
Mr. Hertzberg	**Mr. Ferlo**
Mr. O'Connor	**(Pres't)**

ABSENT:

Mr. Smith

The Chair:

City Council's Legislative Session will now come to order.

Would you all please rise for the Pledge of Allegiance; would you please remain standing for a moment of silent prayer so that we may have peace throughout the world and a pleasant Thanksgiving to all.

"I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with Liberty and Justice for all."

PRESENTATIONS

The Chair:

Thank you all. We have a number of proclamations to be read into the record, and I would ask our City Clerk to please accept a resolution from Mr. O'Connor, Mr. Onorato, Mr. Ricciardi and Mr. Cohen and Mr. Smith.

Mr. Cusick:

Mr. President, I have one to be read into the record, also.

The Chair:

Well, it is not listed but we will let it in any ways. And, Mr. Cusick.

Mr. Cusick:

Thank you.

MR. CUSICK PRESENTS

No. 1290 WHEREAS, Just knowing that there are people in this world who are willing to put themselves in harms way to safeguard the lives of their fellow man is a comforting thought; and,

WHEREAS, Engine Company #25, also known as the Overbrook Fire Station, has been protecting the lives of Pittsburgh residents since Overbrook was annexed into the City in January of 1930; and,

WHEREAS, Engine Company #25 responds to the first alarm in the communities of Overbrook, Brookline and Carrick. It responds to the second alarm for Beechview, Sheraden, Banksville and South Side; and,

WHEREAS, dealing with the traffic situation on Rt. 51 is a difficult aspect for the Overbrook firefighters. Narrow streets with parking on both sides presents another obstacle to overcome before reaching a fire scene; and,

WHEREAS, one of the firemen has been with the engine company since 1966. Others since the 70's and 80's. Besides being husbands and fathers they are cooks, artists, hunting enthusiasts, antique car restorers, bingo callers and a lot more. Above all they are caring people; and,

WHEREAS, when Overbrook Community Council moved onto the second floor of the fire station the men of Engine Company #25 proved to be good neighbors too. They helped to move furniture, carry supplies, wash windows and most importantly made the council feel welcome; and,

WHEREAS, the residents of Overbrook are honoring the firefighters of Engine Company #25 on Tuesday, November 22, 1994, and wish to extend to: Captain John Malie, Captain Charles Geyer, Captain Raymond Zebra, Captain Richard Augustine, and Firefighters Edward Redlinger, Anthony Elardo, Donald Malie, John Walsh, Joseph Godovchik, Wayne Dutzik, Donald Jaworski, Francis Lippert, Gary Walz, and Donald Gehring, their deep appreciation for their dedication and service to the Overbrook community.

NOW, THEREFORE, BE IT RESOLVED THAT THE COUNCIL OF THE CITY OF PITTSBURGH hereby commends the firefighters of Engine Company #25 for a job well done and their outstanding sense and support of community.

BE IT FURTHER RESOLVED THAT THE COUNCIL OF THE CITY OF PITTSBURGH hereby declares Wednesday, November 23, 1994, as Engine Company 25 Day in the City of Pittsburgh.

MR. CUSICK moved to adopt the resolution.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

MR. O'CONNOR PRESENTS

No. 1291 WHEREAS, the Greenfield Organization has worked diligently for over a quarter century to improve the welfare of residents of all ages in the community; and,

WHEREAS, the Greenfield Organization is sponsoring the ninth annual Greenfield Awards Dinner to honor those responsible, through their work with various organizations or in specific fields of endeavor, for helping to make Green field a special place to live;

WHEREAS, the following people are being recognized for their exceptional level of volunteerism, which has contributed to the strength of both the community and the Greenfield Organization:

GREENFIELD PERSON OF THE YEAR AWARD
David Hairhoger
COMMUNITY GROUP AWARDS
John Kane - AARP Chapter 2611
Francis Gallo - Cub Scout Troop 244
Kim Torcaso - Girl Scouts
Ken Buettner - Greenfield Baseball Association
Bob and Jane Wrigley - Greenfield Runners Club
Joe Guiney - Greenfield Football Association
J.C. DePaolo - Greenfield Runners Club
Clara Scarpelli - Greenfield Soccer Association
Jim Singer - Greenfield Soccer Association
Jim Gregg, Jr., - St. Rosalia Athletic Association
GREENFIELD SERVICE AWARDS
Carol Aliskowitz - Business
Valentina Busch - Business
Judy Gula - Community Service
Patricia DiPaolo - Education
Joan Neitznick - Education
Amanda Jones - Youth Recognition
Shawn Rua -Youth Recognition
Thomas M. Fitzgerald, Jr., - Special Recognition
Lucille Barker - Hall of Fame
Paul Gorman - Hall of Fame

WHEREAS, these individuals truly represent all the good things that are happening in Greenfield today.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh takes great pride in joining the Greenfield Organization in honoring those people who have given so much of their time and energy to improving the quality of life for everyone in the community.

MR. O'CONNOR moved to adopt the resolution.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

MR. ONORATO PRESENTS

No. 1292 WHEREAS, Photo Antiquities is joining in the celebration of "The History of Photography Month" in Pittsburgh during November 1994; and,

WHEREAS, Photo Antiquities has demonstrated a true concern and worked diligently to ensure the preservation and presentation of photography from its inception in 1839; and,

WHEREAS, Photo Antiquities has provided the City of Pittsburgh and its citizens a cultural and historic experience in its efforts by providing a setting where a vast collection of 19th century images and t heir processes may be viewed free of charge by the public; and,

WHEREAS, Photo Antiquities has demonstrated a sincere interest in the growth and prosperity of the North Side Cultural District and has provided the North Side world wide recognition through its efforts.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh extends congratulations to Photo Antiquities as it observes "The History of Photography Month" during November 1994 and heartily recognizes its efforts in providing a cultural and historic experience and offers best wishes for continued growth and success in the years to come.

MR. ONORATO moved to adopt the resolution.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

MESSRS. RICCIARDI AND COHEN PRESENT

No. 1293 WHEREAS, Dorothy Douglas, coordinator of the "Charles Street and Surrounding Streets Block Watch," now known as the Upper Knoxville Block Watch, is being honored for the time and dedication in serving her neighborhood; and,

WHEREAS, Dorothy Douglas kept the neighborhood crime watch program going nearly single-handedly, often using her own money, scheduling periodic meetings, securing speakers and special programs, coordinating special community activities like the National Night Out programs and community public safety events; and,

WHEREAS, Dorothy Douglas was recognized as "the" contact person in here part of Knoxville by public safety officers, elected officials, city department heads and especially her neighbors to discuss community problems of any kind; and,

WHEREAS, Dorothy Douglas, described as the "heart of the block watch," although retired, will continue to serve the newly re-organized Upper Knoxville Block Watch as a "consultant"; and,

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh hereby congratulates Dorothy Douglas for the outstanding service she has provided to her neighborhood.

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh hereby declares Friday, November 18, 1994, "Dorothy Douglas Day" in the City of Pittsburgh.

MR. RICCIARDI moved to adopt the resolution.

MR. ONORATO seconded the motion.

Which motion prevailed.

MR. RICCIARDI FOR MR. SMITH PRESENTS

No. 1294 WHEREAS, the Allegheny County Alliance for Public School (ACAPS) was organized to establish a network, consisting of public schools throughout Allegheny County, through which information could flow freely and benefit the educational process; and,

WHEREAS, this collaborative is composed of teachers, parents, school board directors, and public relations practitioners in 42 school districts, and is designed to build support

for public education through information, partnerships and resources; and,

WHEREAS, this network also permits ACAPS to provide the public with valuable information regarding Allegheny County Public Schools. This flow of information between school districts and the public at large has a positive impact on the educational process throughout the County and benefits an indefinite class of persons; and,

WHEREAS, ACAPS' ability to assimilate the information it receives from numerous public schools acts to relieve the government of a portion of its education burden by improving public awareness of the educational process and issues affecting education in general.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and the Council of the City of Pittsburgh that ACAPS be recognized as a civic organization as defined in the Pennsylvania Small Games of Chance Act, as amended. It functions as a collaborative in the City of Pittsburgh and throughout the County of Allegheny to foster better schools for its children and to involve a broad cross section of the citizenry to achieve this goal.

MR. RICCIARDI moved to adopt the resolution.

MR. ONORATO seconded the motion.

Which motion prevailed.

The Chair:

Thank you very much. Are there any matters to be brought under Special Committees or Unfinished Business? No. We will move to Presentation of Papers.

MR. COHEN PRESENTED

No. 1295 Resolution authorizing the transfer of Eight Thousand Two Hundred Dollars ($8,200) from Code Account 1470-9, Workers Compensation, Bureau of Fire, to Code Account 1461-3, Longevity, Bureau of Fire. This transfer is necessary to pay the Fire Bureau's longevity payroll.

Which was read and referred to the Committee on Finance.

MR. COHEN moved to suspend Rule 8 by providing for consideration of the bill only until or after the calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Tuesday.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

MR. ONORATO PRESENTED

No. 1296 Resolution authorizing an agreement or agreements with a collection agency or agencies for professional services in connection with the collection of Claims, Judgments and other debts owed to the City of Pittsburgh at a cost not to exceed $5,000.00

MR. ONORATO moved to suspend Rule 8 by providing for consideration of the bill only until or after the calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Tuesday.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

Also,

No. 1297 An Ordinance amending the Pittsburgh Code, Title Two, "Fiscal," Article I, "Administrative," Chapter 201, "City Treasurer," Section 201.08, "Deposits, Reports, Accounts, and Withdrawals," by amending subsection (g)(5), "Wire Transfers".

Also,

No. 1298 Resolution providing for the transfer in the amount of Two Hundred Fifty Thousand Dollars, ($250,000.00) from Code Account 57-1, Retirement Severance Pay-Sick Leave, to Code Account 57, Social Security Fund.

Also,

No. 1299 Resolution authorizing and directing issuance of a series of Tax and Revenue Anticipation Notes, Series of 1995, in the

aggregate principal amount not to exceed $25,000,000.

Also,

No. 1300 Resolution repealing Res. No. 709, Item E, eff. 9-23-94, which repealed Resolution No. 182, Item F, eff. 3-22-94, which authorized the sale of a vacant lot, 709 Melrose St., 25th WD, 45-S-181A, to Frank C. Locust for $350.00 as the Title Report was received after the Forfeiture proceedings were initiated.

Also,

No. 1301 Resolution providing for the filing of a petition or petitions for the sale of certain property or properties, acquired at tax sales in accordance with Act No. 171 of 1984, "Second Class City Treasurer Sale and Collection Act," effective December 11, 1984.

Which were severally read and referred to the Committee on Finance.

MR. RICCIARDI PRESENTED

No. 1302 Resolution providing for the issuance of a warrant in favor of Sargent Electric Company, in the amount of One Hundred Thousand Ninety-Nine Dollars and Three Cents ($100,099.03) for September's street lighting bill.

Which was read and referred to the Committee on Finance.

MR. RICCIARDI moved to suspend Rule 8 by providing for consideration of the bill only until or after the calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Tuesday.

MR. ONORATO seconded the motion.

Which motion prevailed.

Also,

No. 1303 Resolution vacating a portion of Fontella Street (Ridge-Reedsdale), Devers Way (Fontella-Sproat), Sproat Way (Ridge-S. Line Wolfendale), Sproat Way (N. Line Boyce-Reedsdale), Wolfendale Street (Sproat-W. Line Walker) and Boyce Street (E. Line Sproat Way-155'± E.) in the 21st Ward, 6th Council District of the City of Pittsburgh.

Which was read and referred to the Committee on Public Works.

Also,

No. 1304 Resolution amending Resolution No. 352, approved May 19, 1994, as amended by Resolution No. 469, approved June 28, 1994, entitled, "Resolution providing for an Agreement or Agreements with organizations for operational/administrative expenses, maintenance, purchase of equipment; and/or minor rehabilitation of neighborhood facilities for the benefit of the residents of the City of Pittsburgh," by changing the Grant Recipient from "Charles St. & Surrounding Area Block Watch to Upper Knoxville Block Watch.---**(SPONSORED BY GENE RICCIARDI)**

Which was read and referred to the Committee of Public Safety.

MR. RICCIARDI FOR MR. SMITH PRESENTED

No. 1305 Resolution approving execution of a Contract by and between URA and MRRC Development Association for the sale of Parcels 10, 11A and 12 in the Twenty-Fourth Ward of the City of Pittsburgh -- Redevelopment Area No. 45.

Which was read and referred to the Committee on Planning, Housing & Development.

THE CHAIR PRESENTED

No. 1306 An Ordinance amending the Pittsburgh Code, Title One, Administrative, Article XI, Personnel, Chapter 192, Pensions, Section 192.28, Payment of Benefits, by adding a new Subsection (F) to protect pensioneers from garnishment of their benefits.---**(SPONSORED BY MR. FERLO)**

Which was read and referred to the Committee on Finance.

Also,

No. 1307 An Ordinance amending the Pgh. Code, Title Six, Conduct, Article I, Regulated

Rights and Actions, Chapter 601, Public Order, Section 601.14, Violation & Penalty, Chapter 609, Weeds and Grass, Section 609.07, Violation & Penalty, and Chapter 619, Refuse Collection and Recycling, Section 619.14, Violation & Penalty, by increasing fines for certain violations of the City Code.---**(SPONSORED BY MR. FERLO)**

Also,

No. 1308 Resolution authorizing and directing the Chief of BBI to identify illegal dumping sites and authorizing and directing the Director of Public Works to manufacture and install signage at the identified dumping sites advertising the availability of rewards pursuant to Section 601.15 of the City Code.---**(SPONSORED BY MR. FERLO)**

Which were read and referred to the Committee on Public Works.

The Chair:

Thank you. Any other matters under Unfinished Business, or any Reports of Special Committees? I announced that earlier. Hearing none, we will move to the committees of the Reports of Committees.

REPORTS OF COMMITTEES

The Chair:

Committee on Finance, Mr. Onorato.

Mr. Onorato:

Mr. President.

The Chair:

Thank you, Mr. Onorato.

MR. ONORATO PRESENTED

Bill No. 1309

Report of the Committee on Finance for November 15, 1994, transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 1245

A Resolution entitled, "Resolution PROVIDING for the issuance of a warrant in favor of Ground Technology, Inc., in the amount of $7,325.78 for final payment of a contract to investigate the landslide occurring on the slope above Voskamp Street and to develop designs for stabilizing the slope; and providing for the payment of the cost thereof.---(AS AMENDED)"

Which was read.

Also,

Bill No. 1248

A Resolution entitled, "Resolution entitled, "Resolution providing for the issuance of a $949.00 warrant in favor of Angelus Convalescent Center in settlement of claim for property damage."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 7 NOES none

And there being two-thirds of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 1249

A Resolution entitled, "Resolution repealing Resolutions, approved on various dates, authorizing the sale of properties in various wards of the City of Pittsburgh, in accordance with Act no. 171 of 1984."

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 7 NOES none

The bill having received the legally required number of votes passed finally.

Also,

Bill No. 1267

A Resolution entitled, "Resolution PROVIDING for the issuance of a warrant in favor of Mailing Services of Pittsburgh, Inc., in the amount of Thirteen Thousand Seven Hundred Ninety-Two dollars and Forty Cents, ($13,792.40) in payment for mailing services provided to the City of Pittsburgh Magistrates Court in connection with the parking ticket amnesty program."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 7 NOES none

And there being two-thirds of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 1268

A Resolution entitled, "Resolution AMENDING Resolution 811, effective October 26, 1994 providing for the transfer of funds in the aggregate amount of Four Million Five Hundred Nine Thousand Dollars ($4,509,000) to Four Million four Hundred Fifty Nine Thousand Dollars ($4,459,000)."

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. O'Connor
Mr. Cusick	Mr. Onorato
Mr. Hertzberg	Mr. Ricciardi

AYES 6 NOES 1

(MR. FERLO, PRES'T, VOTING NO)

The bill having received the legally required number of votes passed finally.

MR. RICCIARDI PRESENTED

Bill No. 1310

Report of the Committee on Public Works for November 15, 1994, transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 1250

A Resolution entitled, "Resolution granting unto Robert L. Easley, 649 Perry Street, Pittsburgh, Pennsylvania, 15219, his successors and assigns, the privilege and license to construct, maintain and use at his own cost and expense, a metal canopy in a portion of the right-of-way on 649 Perry Street in the 5th Ward, 6th Council District of the City of Pittsburgh."

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 7 NOES none

The bill having received the legally required number of votes passed finally.

MR. O'CONNOR PRESENTED

Bill No. 1311

Report of the Committee on General Services for November 15, 1994, transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 1266

A Resolution entitled, "Resolution providing for a contract or contracts or use of an existing contract or contracts for the purchase and installation of an electronic production switcher for the Department of General Services, Bureau of Cable Communications, and not to exceed Seventy-Five Dollars ($75,000.00), providing for the payment of the cost thereof."

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill? Mr. Cohen.

Mr. Cohen:

Thank you, Mr. President. I did not realize that this bill would be up today because of the confusion of the meetings. I would like, and my apologies to Councilman O'Connor, if he would agree, I would like to recommit this bill. I have a tour scheduled for 9:30 tomorrow morning to actually see the switcher, the current one, and ask a lot of questions about this new switcher that we are proposing to buy for $75,000.00. If it is

okay with the Chairman of the Committee, and again, I did not have an opportunity to meet with him, I would like a chance to take that tour and report back to Council.

The Chair:

What is the pleasure? Mr. O'Connor.

Mr. O'Connor:

I will recommit.

Mr. Cohen:

Thank you.

The Chair:

On the recommittal, could we also get a legal opinion on the issue of the expenditure of the dollars; we had talked about foreign imports as an issue here, and we would like to understand from the Law Department if we have to file a competitive bidding, obviously we do with public dollars, both tax dollars and state funds. I want to know if the use of franchise funds falls under the same requirement pursuant to discussion on this bill.

Mr. O'Connor.

Mr. O'Connor:

I believe we held, concerning the phone, the AT&T bid, so we held that until we get that legal opinion.

The Chair:

Right. I am actually raising the issue, both under this bill as well as the phone bill.

Mr. Cohen:

Thank you.

The Chair:

Motion on the floor to recommit the bill. all in favor?

WHICH MOTION PREVAILED.

The Chair:

Motion is confirmed. That was the only bill on the Committee. It is recommitted.

Committee on Public Safety. Mr. Cohen.

Mr. Cohen:

Mr. President.

The Chair:

Thank you, Mr. Cohen.

MR. COHEN PRESENTED

Bill No. 1312

Report of the Committee on Public Safety for November 15, 1994, transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 1264

A Resolution entitled, "Resolution PROVIDING for an Agreement or Agreements between the City of Pittsburgh and Allegheny County for the receipt of grant funding for the purchase of an interface between the PAGIS system and the EIS system."

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen Mr. Onorato

Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 7 NOES none

The bill having received the legally required number of votes passed finally.

The Chair:

Before we have a motion to recess and meet again on Tuesday, November 22nd, at 10 a.m., we do have Motions and Resolutions. Are there any issues or matters to be brought before the body?

MOTIONS AND RESOLUTIONS

The Chair:

Councilman Cusick.

Mr. Cusick:

Yes, Mr. President. I would just like to bring up, so people can schedule if they want to come and participate in the post agenda we are holding on the HOV busway proposed bridge on Wednesday at 1:30 here in Council Chambers.

The Chair:

This Wednesday?

Mr. Cusick:

Yes, sir.

The Chair:

This Wednesday, at 1:30 here in Chambers.

Mr. Cusick:

I am sorry. This is the meeting that you had asked me and Mr. Smith and Mr. Ricciardi to participate in.

The Chair:

Have we extended invitations to Senator Wagner and other interested parties?

Mr. Cusick:

Yes, we have.

The Chair:

Very good. Other comments? Mr. Cohen.

Mr. Cohen:

Thank you, Mr. President. There was an issue that came up a few weeks ago, Mr. President, about paramedics and film production in the City of Pittsburgh. I wanted just to announce to Council that we have an agreement among all of the parties on that issue. I want to thank Councilman Dan Onorato for his help on this and the legislation that he put forward. There is a question as to when exactly paramedics would have to be at film production sites, and we have all the parties involved, Basil Cox, the President of the Pittsburgh Film Office, Tom Huerbin, the President of the Fraternal Association of Professional Paramedics, Tom Johnson, the President of Teamsters 249, Howard Jones, the President of IATSE, which is the Film Production Union, Dawn Keezer, or the new Director of the Film Office, and Chief Kennedy, all on board, as how to deal with film production in the future, and that is, for all of them, by conference call, or in person, to get together, decide whether this particular film needs a paramedic or not, particularly obviously if it has stunts or any kind of a physical action type film that would require a paramedic. If it is required, then it has to be a City of Pittsburgh Emergency Medical Service Paramedic, through Councilman Onorato's legislation.

It seems to be agreeable to everybody. I sent a copy of this agreement to all Members of Council and to those people that I mentioned and told them that if they had any disagreement with it to contact me by November 30th, but at least verbally everybody seems to be on board. I think that this will resolve that potential problem.

The Chair:

Thank you very much. Other comments?

I would like to ask my colleagues to join me in sending a letter to Congressman Coyne and Mr. Specter and Mr. Wofford and maybe Mr. Senator-Elect, Mr. Santorum, on the issue of the 20 percent cap. This is on the block grant, use of the dollars, to raise the public service cap from 15 percent to 20 percent. It is badly needed in light of the request of hunger service groups and others. As we know a disproportionate share of those dollars of the Federal Block Grant now goes to support the COP Officers and police, which traditionally had been spent with operating tax dollars. I do not think there is any objection now to using the block grant for the needed police, however, it does cut in to our ability because of the constraint of the federal regulations.

I would like to ask that we send a letter to the elected officials asking them to once again for this year raise the cap from 15 percent to 20 percent, to give this Council and the Administration a little more latitude on the amount of public service dollars.

Is there any objection to that? I would like to sign it with all of our signatures.

Mr. Ricciardi:

I would like to move on that motion.

MR. COHEN seconded the motion.

The Chair:

Thank you. Mr. Ricciardi has moved it and it has been seconded.

Mr. O'Connor:

Discussion.

The Chair:

Mr. O'Connor, discussion.

Mr. O'Connor:

I was under the impression that was still -- I talked to Congressman Coyne, it has been a couple weeks ago, and I thought that was in place again --

The Chair:

We called today, and apparently there was a one-time cap that was put in when it was requested, then I believe it was to be part of an actual amendment, which was then tabled, or set aside, and we would like to ask for consideration again on this year's block grant. It gives out a little more leeway on the --

Mr. O'Connor:

I was under the impression that there were three or four cities, Pittsburgh, New York and I think Houston, that they allowed the cap to continue.

The Chair:

The last discussion we had as of this afternoon with Mr. Mascio's office on block grant was that it was a one-time consideration. So, we are just making the appeal once again for this year's allocation, especially since we are hard pressed to fund some of the requests, but I think a majority would like to fund them, that is, the hunger groups and some of the other community-based organizations.

Any other discussion?

Mr. O'Connor:

If it isn't, maybe we could have another post agenda like we did last time to make sure they know how important it is to us, especially with a new elected official.

The Chair:

Very good. That is a good suggestion. We will send a memo, as well if need be and if it is appropriate, we will conduct a formal meeting and ask those folks to attend.

Any other discussion? All in favor?

WHICH MOTION PREVAILED.

The Chair:

Motion carries. Thank you very much.

Any other matter to be brought under Motions and Resolutions? Any public announcements? If not, I wish you all a happy Thanksgiving.

At this time I would like to entertain a motion to approve the Minutes.

MR. HERTZBERG moved to approve the Minutes of Monday, November 14, 1994.

MR. COHEN seconded the motion.

The Chair:

It has been moved and seconded. All in favor?

WHICH MOTION PREVAILED.

The Chair:

And a motion to recess and meet again Tuesday, November 22nd, at 10 a.m. We are very honored and fortunate to have Valerie McDonald, who will be the Councilwoman-Elect, and she will be sworn in to office tomorrow, on November 22nd at 10 a.m., in a formal ceremony in these Chambers. We will recess this meeting, conduct the Swearing-in Ceremony, then conclude our business. We do want to invite His Honor, the Mayor Tom Murphy, to attend this session and share with us a few remarks regarding Valerie's election.

Mr. Hertzberg:

So moved.

MR. COHEN seconded the motion.

The Chair:

Is there any objection? All in favor of that motion?

WHICH MOTION PREVAILED.

The Chair:

Motion carries. At this time the meeting stands recessed. Thank you very much.

And on the motion of **MR. HERTZBERG**

Council recessed.

Pittsburgh, PA
Tuesday, November 22, 1994

And the hour of 10:00 a.m. having arrived and the hour of recess having expired, Council reconvened.

The Chair:

Good morning, everyone. I would like to at this time call the Recessed Legislative Meeting of City Council to order.

At this time I would ask my two colleagues, Councilman Cohen and Councilman Cusick, to please escort His Honor the Mayor Tom Murphy into these Chambers. Would you all please rise.

Would you please remain standing, and at this time I hope you will give a warm welcome, and I would ask my two colleagues, Mr. Ricciardi and Mr. Onorato, to please escort Valerie A. McDonald into these Chambers.

Ladies and gentlemen, the newly elected Councilwoman from Council District 9, Valerie A. McDonald.

We will continue to stand, and at this time I am very honored and pleased to invite a young man up here today, Lee McDonald, the son of Valerie; he is nine years old; he attends Regent Square School; he is a 4th Grader, and Lee is going to lead us into the Pledge of Allegiance. Lee

Lee McDonald:

I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with Liberty and Justice for all.

The Chair:

Thank you. At this time I am very honored and pleased to introduce Brother Robert Benson of the Homewood Church of God, who will deliver the Invocation. Brother Benson.

Brother Benson:

Shall we bow. Our God and our Father which art in Heaven, we come before your throne this day to give thanks and praise for your holy righteous name. We come just now, Father, to thank you for life, for health and for strength and for this very special day that you have given us to be witnesses in these Chambers. We pray for Valerie, Father, who has accepted the responsibility that has been entrusted to her by those in her community. We pray that the decisions, Father, that she will make will be beneficial to each and everyone who may serve in this great City. We pray that you will crown her head with wisdom and also with those of her fellow men and those fellow Councilmembers, who will lead and judge and take the responsibility that is placed upon us in this day and time. We pray that you will remember her in a special way and help us to be the supporting cast that will help lead this great City to the heights that it deserves. These and many other blessings we do ask in the name of our Lord and Saviour Jesus Christ. Amen.

The Chair:

Thank you, Brother Benson. At this time I would call on Linda Johnson-Wasler, our City Clerk, for the formal Presentation of the Certificate of Election.

THE CHAIR PRESENTS

Bill No. 1313

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF ALLEGHENY

CERTIFICATE OF ELECTION

We, the undersigned, constituting the Return Board of the County of Allegheny do hereby certify that at the Special Election held on the eighth day of November, 1994 in said County

VALERIE A. McDONALD

was duly elected to the office of

Member of Council
(To Fill Unexpired Term)
City of Pittsburgh
Council District #9

in the County of Allegheny,
Commonwealth of Pennsylvania

Witness our hands and seal this
21st day of November, 1994.

Tom Foerster, Chairman
Pete Flaherty
Lawrence W. Dunn

Board of Elections
Ex Officio, The Return Board of
Allegheny County

Which was read.

The Chair:

Mr. O'Connor, I need a motion to receive and file.

Mr. O'Connor:

Motion approved.

The Chair:

Is it seconded.

MR. COHEN seconded the motion.

The Chair:

All in favor?

WHICH MOTION PREVAILED.

The Chair:

The motion carries. The Certificate is a formal part of the history of this City.

At this time it is a great honor and pleasure to call on three individuals that Valerie has chosen to help administer the Oath of Office, and it is a great honor and privilege at this time to call upon the Honorable Cheryl Allen Craig, Judge, Court of Common Pleas, the Honorable Cynthia Baldwin, Judge, Court of Common Pleas, and the Honorable Justin Johnson, Judge, from the Superior Court, and these three honorable jurists will administer the Oath of Office, and at this time I would ask that they come forward, and I would also ask that the Honorable Councilwoman Valerie McDonald come forward.

Following her Oath of Office, I would ask that Valerie stay at the podium and offer some words to her constituents and to all those gathered.

Ms. McDonald:

I, Valerie A. McDonald, do solemnly swear that I will support the Constitution of the United States and of this Commonwealth and the Charter of this City and that I will faithfully discharge the duties of this Office to the best of my ability.

The Chair:

Ladies and gentlemen, on behalf of all of my colleagues, it is a great honor and privilege at this time to formally call on the Councilwoman from Council District 9, the Honorable Valerie A. McDonald.

Ms. McDonald:

This is definitely a humbling experience, very much so. I was actually nervous; didn't have a good night sleep.

Mr. Mayor, President of Council, distinguished Councilmen, my future colleagues and my current colleagues as of today, government officials, Democratic Party officials, supporters, friends and my family, let me all say, thank you for coming, welcome; there's even people who had ran against me, and this truly is an indication that we will come together.

I first want to give all honor and thanks to my God, almighty, for bringing me here this long way, and I want to praise God for allowing all of us to be here today. I am never and never will be ashamed to express that I'm a very religious person, that I'm very spiritual; that I believe it is political correct to be this way because it gives me the foundation to move forward in the direction that we need to move forward.

I want to recognize some of my family members and my friends, and you're going to have to understand, I am so – like I said, I am overwhelmed with this response. Mr. Montgomery Watson -- this (indicating) was laying on my desk and I was so surprised. It has just been so overwhelming. If I forget anybody, please forgive me, you know I love all of you, you know that I wouldn't be here if it weren't for you, it's just that I'm a little nervous right now, so -- but, I just want to recognize my -- the front row, my immediate family. My brother, Cameron Hairston, who is a paramedic, has just walked in. I'm just going around. My father, Bubbie Hairston; my sister, Camille Locust. And now we're going to hit this first row. I just want to recognize them. My God mother from when I was a baby, Ruth Wilson Lee. Thank you. Member of Bethesda.

Rev. Brown:

That's right.

Ms. McDonald:

Okay. I help Reverend Brown here.

My daughter Sheila McDonald, who is 14. Myra Miller, who is my aunt on my husband's side; she's my Aunt Tiny. My mother, Audrey Coffee. My daughter Jessica McDonald, who is 12; my son, Lee McDonald, who is nine. You did well, Lee. And my husband, who I may want to preface, definitely I would not be here if it weren't for him. My aunt and uncle, Frances and Andrew Turner. My aunt and uncle, Muriel and Roderick Hairston. A cousin of mine, Lawrence Lipscomb.

And am I correct, is this Jesse's -- Grandma Jesse's grand -- okay. I'm sorry. Stand up. These are all relatives on my father's side, right here.

I also might want to say about elected officials, I have a lot of School Board elected officials here. I see Alex Matthews in the audience. I know Liz Healey, who is First Vice President, is now assuming the role of President of the Pittsburgh School Board. Our Superintendent, Louise Brennan. Oh, is Evelyn -- where's Evelyn? Raise your -- there she goes. There's my girl. Evelyn Neiser. And Veronica Edwards, who is the Board Secretary, and believe me, again, I wouldn't have gotten through this without Veronica.

And, again, there's many, many other people here -- I'm sorry? Ron. There he is. Okay. Ron Suber, who is the Second Vice President, I served with for four years.

But, again, now, if there's anybody else that I've missed, my colleagues or whatever from the schools. I have a hand raised. Who is that? Come on and stand up. Are you a relative?

Ms. Lowery:

I'm your oldest cousin.

Ms. McDonald:

Oh, Lord. My cousin Hattie Lowery. Cousin Hattie, I didn't recognize you back there, honestly. I'm like (indicating). You know what, I need a new set of contacts. My cousin Hattie Lowery, and that's on my mother's side of the family.

There are other elected officials that were not able to be here today. Doc Fielder, the Democratic Chairman from the 12th Ward, is sick today, so he could not be here. And I also want to recognize a friend of mine, who sewed this (indicating) outfit within two and a half hours, Kim Rhone, from the North Side. Kim. One of those North Siders. But, she crashed; she said, "Valerie, just take the suit and go."

I am truly humbled by the decision made by the voters of the 9th District on November the 8th, particularly when I view it against the backdrop created by national politics and the direction that things seem to be going in. There seems to be oftentimes an air of mean spiritedness, of insensitivity, of no compassion towards people that are in my Council District. Well, the people of the 9th District prove the rule which states that all politics is local and as is true, all politics is local because we came together and we chose to protect our community and our City. Everyone has a fair shot of realizing the American dream, but what some people do not realize, and I have been advocating for years, is that we did not all start at the same starting line, some of us are very, very far behind, and there needs to be compassion in our legislative policies to ensure that people have an opportunity to catch up. I think that things would be fair if we all started at the same line. I think it is high time that we set our goals and our policies to ensure that everybody throughout the City of Pittsburgh has an opportunity to catch up, so that we can all start at the same starting line.

Some people paint this picture as a color issue, black against white. Well, I am going to say this, time will show that this is not just a matter of black against white, it is a matter of economics, it is a matter of economics. It is a matter of those who are disadvantaged and will not be given an opportunity to catch up unless policy is changed versus those that have had the privilege and are now flourishing. It is rich against poor. Those of us who were left behind as a result of slavery and its bi-products and those of us who were left behind after the steel mill closings will find that we are all in this together.

I say we do not just throw up our hands and just give up, as some people were very cynical; in fact, I was very surprised at the turnout at the polls. It means that people did care, but I think we need to care even more, we need to have a 100 percent turnout at the polls to say, we're not apathetic but we do care and we're going to make this City the finest in the land.

So, when we dream, let us dream where everyone can work. When people ask me all the time, "What are your priorities?" and it becomes redundant even to me to keep saying, "economics, economics," I get tried of saying it, but it is true, it is true. It impacts so critically on the very fabric of our families, families that are split up because of economic problems that have invaded our homes. Kids shooting each other because there's nothing else for them to do. We have no recreational facilities to the extent that we need them. Our

education as far as legislative policy is normally at the mid range or bottom of the list. Why can't we invest more in our youth and education and in families, and I will be here making sure that we invest in the right things.

Well, now I am calling on all of you all. I cannot do this alone. In fact, I think it is very arrogant to assume that I -- you know that big "I" -- that I'm going to do this, and I'm going to do that. No way. We have to do it together, and we are going to have to pull together; we are going to have to put a lot of things aside in order to come together.

The one thing that I have always said is that when a people come together, if you truly focus on your agenda, you're going to have to check your egos at the door, you're going to have to go in realizing that you're going to have to compromise, that you're going to have to come to consensus and that you may not win all the time; that there's going to be times that you're going to walk away saying "Well, I didn't get what I want, and I felt this should have been at the top." Well, maybe you were outvoted, accept it and move on. We have got to move on.

It is time for people that are in Homewood to work with those who are in Point Breeze; it is time for people in Garfield to work with those who are in East Hills; it is time for Lincoln, Lemington, Larimer, Belmar, indeed; it is time for Regent Square and the entire City to pull together, to recognize what our problems are and try to focus on them and not on just our individual selves. It is a big world out there, we have 370,000 folks out there, many of them youth and Senior Citizens, many of them family-struggling. It is time to focus on what is really critical to the very fabric of this City of Pittsburgh.

And, I am going to say this in closing. It is easy, and I still see it, for people to throw rocks. It is very easy to criticize and, in fact, when I was in business with my husband, I was told, if you have one satisfied customer, you may get, ummm, five more; you have one dissatisfied customer, they will bad mouth you to 20 to a hundred people. They will. It is human nature to want to do that. It feels good to vindicate yourself and to vent, but it is time to quit throwing the rocks and it is time to be adults. We now must put the rocks down and we are going to have to come up with solutions; we are going to have to come up with construction and not destruction. The crabs in the barrel mentality must stop and it will stop with me. We are going to roll up our sleeves. And I am very pleased -- and people have asked me, they say, "Well, how are those guys down there; I mean, you're the only woman down there? What are they -- you know, you better watch yourself." And I told them, "They're very nice, they're very nice." But, I think the bottom line is not to be nice, but I think that they respect me, I respect them and I am not coming in talking about what I'm going to do to somebody else, I'm coming in to say that it's time to work together and we all must understand the concerns of our individual communities and the entire City at large.

And, ultimately -- and I am going to end this on a religious note, I put out little -- you know, we do the campaign thing, and I'm the one that said that, "If I got to put something on peoples' cars on Sunday -- " I hate stuff on my windshield, I'll be frank with you, I hate that stuff -- but if I come out of church and I see something on my windshield, let it be in sync with where I have been, let it be in sync. So, I put scriptures on there and I put words of wisdom to give people thought. And the one thing I will say, the Lord is my light and my salvation, whom shall I fear. Thank you.

The Chair:

Ladies and gentlemen, at this time it is a great honor and privilege to call on His Honor, the Mayor Tom Murphy.

Mayor Murphy:

Thank you. Congratulations, Councilwoman Valerie McDonald. You bring excitement, you bring, I think, an unusual prospective because you have been on the School Board; I think it is probably the most thankless job in America today, being on the School Board. So, I think this is going to be easy compared to what you went through.

You were facing the difficult issues of our society, of what to do with children and how to create opportunities for them. In that perspective, in the experience you have gained and your intelligence is, I think, going to provide enormous leadership for all of us.

So, I look very much forward and the whole Administration looks very much forward to working with you, to listening to your ideas in beginning to implement opportunities, not only for your Council District but for the whole City because if we cannot provide opportunities to our children, then what else can we do. Thank you very much.

The Chair:

Thank you, Mayor, very much. Before we have the benediction, one of the uncomfortable tasks of chairing this meeting is when you want to make some introductions, and I apologize, as did Councilwoman McDonald, for anybody I may have left out, but I do see the Reverend Doctor Patrick in the audience, as well as Reverend Cooper, and I wanted to say "hello" to them, they have been to these Chambers many, many times before, a warm welcome, and to all other members of the clergy who are here today.

I want to comment that Mr. and Mrs. Hubert Smith are here today; unfortunately, Chris' health does not permit him to be in Chambers today. We want to extend a warm welcome to the Smith family. I see our County Treasurer, Mary Alice McDonough here also. I believe out back somewhere I saw her. We have the Honorable Judge Donnie Machen here today, our City Court Magistrate, as well we have our Deputy Coroner, Mr. Arthur Gilkes, who is here in Chambers today and many times. We want to give him a warm welcome. I see Captain Petie DeFazio here, somewhere in these Chambers, from the Sheriff's Office, a warm "hello" and thank you for attending this very exciting history-making day. And, of course, last, but certainly not least, the Honorable City Controller, no stranger to these Chambers, the Honorable Tom Flaherty, and to all of you, including the Ward leaders, the Committee Members and many community leaders that I see here from Council District 9 and throughout the City, hello and welcome and thank you for sharing this exciting day here in City Council.

We will at this time have a formal benediction. I would ask that you remain seated following the benediction; we have a brief two or three minutes of Council business and then we will formally close out today.

At this time I am very pleased to introduce the Reverend Louis M. Brown of the Bethesda Presbyterian Church, who will deliver the benediction.

Rev. Brown:

If I may say to Valerie, this is written especially for her through my experiences as dealing with the members of Bethesda Presbyterian Church and all who love you, this is written for you especially.

We have listened through the votes and voices of many and are in tune within the heart of Valerie and her family, the City Council, which represents her City and her community, and now, oh, God, we ask that you would give Councilwoman Valerie A. McDonald your holy and life-giving spirit so that any and all of the barriers which divide us may crumble, that suspicions disappear and hatreds cease, and that with our divisions healed we may live and love in justice and peace and may we share in the pride and progress of all of Pittsburgh by catching the pride of the Homewood-Brushton and Lincoln-Larimer and East Hills communities. May Valerie move as in the paraphrase words of Dr. Martin Luther King, to be there in love and in justice and in truth and in commitment to others, so that we can make this historic City a new City.

May this pledge also include her colleagues and the Mayor and others in government service.

And now may the grace of God, the communion and fellowship of the Holy Spirit rest, rule and abide with us hence forth and forever more, world without end. Amen.

The Chair:

Thank you, Reverend Brown.

At this time the Chair would like to present.

PRESENTATIONS

THE CHAIR PRESENTED

No. 1314 A Resolution amending the City of Pittsburgh's Rules of Council, Nos. 9 and 10, by changing the Standing Committees.

Which was read.

The Chair:

This will be on today's agenda later in the Standing Committee. I need a motion to waive Rule 8 for discussion.

MR. COHEN moved to suspend Rule 8 by providing for consideration of the bill only until or after the calendar day following the meeting in which the bill was introduced so the bill will be on the agenda today.

MR. HERTZBERG seconded the motion.

The Chair:

It has been moved and seconded. All in favor?

WHICH MOTION PREVAILED.

The Chair:

The motion carries. The bill will be up this afternoon for a preliminary discussion and possible vote.

At this time the Chair also presents an appointment from Mayor Murphy.

Also,

No. 1315 Communication from Tom Murphy, Mayor, City of Pittsburgh, informing City Council of his appointment of Councilwoman Valerie A. McDonald as a member of the Pittsburgh Parking Authority for a term to expire December 31, 1995.

Which was read.

The Chair:

We need a motion to receive and file.

Mr. Cohen:

So moved.

MR. CUSICK seconded the motion.

The Chair:

It has been moved and seconded. All in favor?

WHICH MOTION PREVAILED.

The Chair:

Before we close out, do any of my colleagues have any comments or any matters to be brought before the body, including the Honorable Councilwoman?

Mr. Hertzberg:

Mr. President.

The Chair:

Mr. Hertzberg.

Mr. Hertzberg:

I would move to waive our formal process for appointments for this particular authority, if we would have one in this case and that we would vote immediately on that.

The Chair:

It is a unilateral appointment by the Mayor and we received it, and Ms. McDonald is formally sitting on that board as of right now.

Mr. Hertzberg:

All right.

The Chair:

Mr. Cusick.

Mr. Cusick:

Mr. President, I just would like to congratulate Councilwoman McDonald and tell her that I think it is time for Valerie McDonald and I wish you well.

Ms. McDonald:

Thank you, Joey.

The Chair:

Thank you, Mr. Cusick. Councilman Cohen.

Mr. Cohen:

Thank you very much, Mr. President.

I also would like to congratulate Valerie McDonald on being sworn in today as a colleague of ours; I look forward to working with her. Much has been said, Mr. President, about the historic nature of Valerie McDonald's being sworn in today and that is, the first African-American woman to be sworn in to Pittsburgh City Council; that is wonderful, and I congratulate her as a historic figure, but at the same time, she is a person, and in my limited dealings with her, I know her to be a bright, dynamic person, who is passionate about her principles and we clearly saw that this morning; she gave us an inspiring speech, and I very, very much look forward to working with her, and I congratulate Valerie and her entire family. Thank you.

The Chair:

Thank you very much. Councilman O'Connor.

Mr. O'Connor:

I certainly want to echo the well wishes. I have known Valerie a long time, our kids go to school together, and I think she really brings the background we need, from school, from motherhood; her commitment to her church and family, I think is very important, and certainly the commitment to the community and outstanding campaign she ran, and I am just so happy and pleased to have her and I want to congratulate her.

Ms. McDonald:

Thank you, Bob.

The Chair:

Thank you. Councilman Onorato.

Mr. Onorato:

I just want to add to the congratulations, Valerie. I think in your speech the points you raised about, this isn't about "I" it is about "We". One thing I have learned sitting on City Council, that every person brings a unique point of view to the table here and their life experiences show. A lot of us have different experiences, some of us haven't experienced what others have, and one thing you learn is, through the discussion, even if we don't always agree, is that you constantly learn what people experienced, and I think you are going to bring a new light to this table which can only help everyone for the City. Congratulations.

Ms. McDonald:

Thank you.

The Chair:

Thank you, Mr. Onorato. Councilman Ricciardi.

Mr. Ricciardi:

Thank you. I would also like to get in line and congratulate Councilwoman Valerie McDonald. I look forward to working with you, because I think Mayor Murphy is right, you bring a very unique and unusual perspective to this City Council and that is the importance of educating our young people because that is the key to opportunities, good solid education. So, congratulations also. Thank you.

Ms. McDonald:

Thank you, Gene.

The Chair:

Thank you, Councilman Ricciardi.

Frederick Douglas once said, "You can't reap the harvest till you cultivate the field," and there were a lot of great candidates that ran for this seat. I think it was clear where my allegiance was, as well, the Democratic Party and countless community leaders and ultimately with the voters, who decided Councilwoman McDonald's position here in these Chambers. I would hope that in the coming months the community can pull together.

We have a great leader here in these Chambers from this Council District and I hope she will be here for the next four and a half years.

With that, I want to thank all of you for coming out this morning, on behalf of Councilwoman McDonald, especially your family, your friends, your supporters.

And, with that, we will formally adjourn this Legislative Session. Thank you all.

And on the motion of **MR. CUSICK**

Council adjourned.

MUNICIPAL RECORD

Proceedings of the Council of the City of Pittsburgh

VOL. CXXVIII *November 29, 1994* *No. 45*

Municipal Record

ONE-HUNDRED TWENTY-EIGHTH COUNCIL

JIM FERLO.....President
LINDA M. JOHNSON-WASLER.....City Clerk
KURT J. SALAC.....Asst. City Clerk

Pittsburgh, PA
Tuesday, November 29, 1994

PRESENT:

Mr. Cohen	**Mr. O'Connor**
Mr. Cusick	**Mr. Onorato**
Mr. Hertzberg	**Mr. Ricciardi**
Ms. McDonald	**Mr. Ferlo (Pres't)**

ABSENT:

Mr. Smith

The Chair:

Good morning, everyone. City Council's Legislative Session will now come to order.

Would you all please rise for the Pledge of Allegiance and would you please remain standing for a moment of silent prayer so that we may have peace throughout the world.

We hope everyone had a safe and healthy Thanksgiving weekend.

We are very honored to have a young man here today, Martin Johnson; he is eight years old; his mom is here, Dorothy, and he is a student at Van Elementary School in Councilman Smith's District, and Martin is going to lead us in the Pledge of Allegiance. Martin.

Martin Johnson:

I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with Liberty and Justice for all.

The Chair:

Thank you. Martin, we would like you to have the City flag and the flag of our country as a gift from the City Clerk and this Council.

We have a number of honored guests in the audience today, and at this time I would like to call on Councilman Joseph Cusick.

Mr. Cusick:

I would like to ask the people from Carrick High School to come up, Misty Townsend, Brant Johnson, Jane Rennekamp, Melissa Sefchick, Erika Shank, Carrie Bran and John Johnson.

MR. CUSICK PRESENTS

No. 1316 WHEREAS, Carrick High School's Learning Community and Technology classrooms have been temporarily transformed into Santa's newest satellite workshop and with elf-like determination students have been putting in long hours in order to organize a toy drive to benefit those less fortunate; and,

WHEREAS, every year hundreds of children write letters to Santa Claus and this year Jane Rennekamp of the Pittsburgh Post Office will be forwarding these letters to Carrick High School where students will then read the letters and assess them based on location and content; and,

WHEREAS, all of the children who write will receive a personalized letter from Santa or one of his helpers (a.k.a. Carrick High School

students), while others, based on assessments, will receive one of the toys that will be collected; and,

WHEREAS, students have just recently started to solicit contributions, and already community members have opened their hearts and wallets with generous donations with the grand finale of the fundraising will occur on December 9 with student participation at Carrick's second annual Light Up Night, sponsored by the Carrick Business Association; and,

WHEREAS, on December 12, a group of students will be going shopping, at which time they will use any cash collected to purchase specifically requested items and in addition to all of the merchandise collected, Carrick's construction and manufacturing classes are constructing wooden toys, all of these gifts will be delivered by volunteers. The toy drive will culminate with a party, complete with student-assembled stockings and treats, for a group of fifty elementary school students who also wrote letters.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh hereby commends the efforts of the US Postal Office and especially the students of Carrick High School for their unselfish dedication in helping to make the holiday season better for those less fortunate.

MR. CUSICK moved to adopt the resolution.

MR. RICCIARDI seconded the motion.

Which motion prevailed.

Mr. Cusick:

At this time I would like to invite Misty Townsend, a teacher and coordinator from Carrick High School, to come up and just give us a few words about the program that they are holding.

Ms. Townsend:

Thanks.

The Chair:

Thank you.

Ms. Townsend:

I would just like to say that the children have really become involved in this. We see a lot of things in the news all the time about kids, and this is something that the kids have done that is really positive, the kids have really pulled through for us, the energy level has been really high, they have been out there soliciting contributions from community members. It has been a real positive experience. We have seen a lot of change in these kids, a lot more community involvement and a lot more pride in their communities.

So, I would like to thank all of you for having us today, and I would like to thank Councilman Cusick for inviting us.

The Chair:

Thank you.

Mr. Cusick:

Brant, Jane.

Mr. Johnson:

We would like to thank the Council for giving us this opportunity today. We would like to call it the Miracle on Brownsville Road.

The students, like Missy had told you, have really gotten excited about it and there is real learning going on; I mean there are a lot of parties involved. We could not have done it without the help of the Post Office, who sent us the letters, without the support of the School Board and our Principal Dr. Minsinger, and thanks very much, I appreciate this.

Mr. Cusick:

Thank you.

The Chair:

Thank you. Keep up the good work.

Ms. Rennekamp:

I will just echo everybody's thanks to the City Council Members for this, and also to Carrick High School, it has really helped us out a lot this

year with the Santa letters and they are really doing a great job. Thank you.

Mr. Cusick:

At this time I would like to ask anyone that is watching today and those of the City employees, if they would like to make a contribution to this toy drive, they can either call my office or get in contact with Carrick High School. The Mayor has agreed to place brochures in each and every one of the pay checks this coming pay and hopefully that will bring some additional contributions to the program.

Again, if anybody would like to make any contributions, I ask you to call 255-2131 or Carrick High School.

Before we close here, I would like Melissa Sefchick, a student at Carrick High School, just to say a few words.

Melissa Sefchick:

What we are doing is, Carrick High School, as they told you, we're getting letters from the Post Office and we're going to try to write back to the kids and -- but the children that say like "I want, I want," we're just going to write -- we're going to try and like get them like a letter from Santa Claus or Mrs. Claus, but the kids that say that they really need stuff or their father's unemployed, we're going to try to get them whatever they need, and that's, I guess, all, and we were just wondering if yence would be willing to make any contributions to us? Would yence be willing?

Mr. O'Connor:

Yes, we'll be willing.

Melissa Sefchick:

Thank you.

Mr. Cusick:

Thank you all.

The Chair:

Thank you for the direct appeal.

Thank you all and good luck with the effort. Thank you.

We have a great Pittsburgher and a great gentleman in the audience that is going to be paid tribute to today, and at this time I would like to call on Councilwoman Valerie McDonald, who has a guest here on behalf of Councilman Christopher Smith and all of Council.

Ms. McDonald:

Good morning. Hi.

This is a resolution for Mr. Walter Worthington, and I am giving this resolution to him on behalf of Councilman Christopher Smith, who was not able to be here today but, again, I would join Councilman Smith because it is, indeed, an honor, as I know Mr. Worthington, I met him through the African Heritage Classroom Committee, of which I am a member and which I do patronize and which I was very proud. In fact, the first time I saw the room is with my Girl Scout Troop. We had to go and see this. Even though we went through all the Heritage Classrooms throughout the Cathedral of Learning, they were waiting to see their own classroom and we stayed for a while.

So, I am going to read this proclamation.

MS. McDONALD FOR MR. SMITH PRESENTS

No. 1317 WHEREAS, Mr. Walter Worthington resides at 3416 Iowa Street in the Schenley Heights area of Pittsburgh. He is a long time resident of the Hill District and is an active senior citizen for the betterment of humankind; and,

WHEREAS, on Sunday, December 4, 1994, from 3:00 p.m. to 6:00 p.m. the African Heritage Class Room Committee at the University of Pittsburgh will honor Mr. Worthington, Chairperson Emeritus 1971-1994. He is often referred to as Historian of the African-American Community in Pittsburgh; and,

WHEREAS, Mr. Worthington's twenty-three years of service and leadership to the AHCC resulted in the building of the African Heritage Classroom at the University of Pittsburgh which

proudly stands among the other Nationality Rooms in the Cathedral of Learning; and,

WHEREAS, the theme of the program is "A Tribute to a Living Elder." It will commence with a grand procession of the University, community, and legislative officials, as well as youth and African Heritage Classroom executive members; and,

WHEREAS, the program will conclude with an Elder's Ceremony, bestowing the title African Elder on Mr. Walter C. Worthington.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of Pittsburgh, the African-American community, and the greater Pittsburgh community give praise and commendations to the living legacy of Walter C. Worthington, and declare Sunday December 4, 1994 as "A Tribute to a Living Elder" in the City of Pittsburgh.

Presented in City Council November 29, 1994

MS. McDONALD moved to adopt the resolution.

MR. ONORATO seconded the motion.

Which motion prevailed.

Ms. McDonald:

Thank you. I want to give you this, and I want you to say a few words, and we also have Mr. Lester Kane, who is a representative of the University of Pittsburgh and the Department of Urban and Community Services. First, Mr. Worthington.

Mr. Worthington:

Thank you, Ms. McDonald. Thank you, the African Heritage Classroom Committee of the University of Pittsburgh, thank you University of Pittsburgh and the Chancellor's dreams, that began in the early 1920s to conceive of a situation of recognition in which the heritage of the people who come to the City of Pittsburgh, to the United States of America, would be recognized by the community as a whole. The African Heritage Classroom Committee is a part of a pantheon of 23 other nationalities and heritages that are in that university and as such, in all the world you will not find such a gathering and it is because of that that I am going to say what I am going to say now.

We are, by heritage, brothers and sisters. We owe our existence to a creature lately whose bones have been lately discovered in Africa, to whom this committee gave the name "Mother Africa". There is not a human on this planet who does not carry her genes. It is unfortunate that early on the children of Mother Africa chose not to listen to their reasons for being on this earth and as a result of that those of this generation and the generations that preceded recognize the war, the hatred, all of the ugly things that human kind is capable of that have lasted these many thousands of years.

It is my hope, personally, and as a projection of the members of this community and of this committee to see to it that we learn to love one another, not by a word but by deed. We have seen things happen already this morning among the young, which indicates the direction in which we can go to make this, in fact, one nation, under God, with Liberty and Justice and Love for all.

I humbly accept what is being done for me. I recall my first standing down here in the Mayor's Office in 1929, when I tried to get what is now a reality started. The people in my community were working in the mills and for the American Reduction Company in humble pursuits and they were getting two or three days work a week and were having a hard time going, and I got the idea that one of the things this City could use because of its topography, would be a subway. At that time I had organized a group on the North Side, called the North Side Civic League, you may find some record of it back there, where we came down here and proposed that a subway be built from 6th Avenue and Wylie, out to East Liberty.

That proposal was laid on the desk of the clerk over there and I came out and told my little group what we had done -- we had said we would do, we did it. I had forgotten my folder and went back in and my proposal was in the wastebasket. The Mayor at that time, if you want to look at the history of this City, was Charlie Kline, and there are things that occurred during that period for which we must feel some shame, but there was a lesson to be learned there. When we are honest with one another, when we really concern ourselves about one another, when we pry our

daily lives apart for somebody else, the dream -- you recall that statement, those of you who went to high school, "Where are such things as dreams are made of," do you recall the dream of Martin Luther King, do you recall the dreams of Thomas Jefferson, dreams, right now we are going to be the ancestors of the 21st Century, and if we pick up on what our responsibility is as human beings and use the power of love, we can be proud of the fact that our grandchildren will love us not damn us.

I did not mean to take all that time, ladies and gentlemen --

The Chair:

That is all right.

Mr. Worthington:

-- but this is a time where publicly we can say what we are all about.

I thank the City of Pittsburgh, the City Council. This is not the first time that I have been before you, and I am embarrassed, really, in a way because what I have tried to do in life, most of it has been kind of a failure, never got the chance -- we didn't get the subway until just recently and it is not going where we wanted it to go.

The Chair:

We have a few bridges like that.

Mr. Worthington:

But, we will keep on keeping on, and with your help and your prayers, this thing on Sunday may mark me a -- what do I want to call it?

Ms. McDonald:

A Living Elder.

Mr. Worthington:

I'm not that old.

Ms. McDonald:

I know, but you're living, though.

Mr. Worthington:

I'm living but I'm not that old, and I am committing myself today to continue to try to give back to this community what it in a small way gave to me over the years. The 128,000 African-Americans, who are citizens of this City are about to prepare a great table of goodies for the City of Pittsburgh, you don't know it now, but you'll remember I said it would start today. Thank you very much for your patience.

Ms. McDonald:

Thank you.

The Chair:

Thank you, sir.

Mr. Kane:

Good morning. This is Walter's day, and I just want to thank City Council, Christopher Smith, Valerie McDonald for presenting and particularly being the first African-American Councilwoman in this body. I would like to thank you again for this honor that you have helped the African Heritage Classroom Planning Committee bestow upon this Living Elder. Thank you.

Ms. McDonald:

Thank you.

The Chair:

Thank you, Les.

Councilman O'Connor.

Mr. O'Connor:

Valerie, I wonder if you have a copy of that subway plan because we could use it again. So, if you still have it bring it around.

Ms. McDonald:

They probably don't.

The Chair:

Thank you and congratulations, honor well deserved.

We have a number of resolutions to be read into the record. At this time I would like to call on Councilman Hertzberg, the City Clerk will read a number of resolutions into the record.

MR. HERTZBERG PRESENTS

No. 1318 WHEREAS, Christopher Hallam, son of Paul and Debra Hallam, is a member of the Boy Scouts of America, Troop #66, sponsored by the Sheraden Community Presbyterian Church on Allendale Street in the 20th Ward of the City of Pittsburgh, Allegheny County, PA; and,

WHEREAS, Christopher has satisfied the Eagle Scout requirement of earning 21 merit badges, of which 11 are mandatory in the outdoor, fitness and service fields, and 10 are in the fields of his own choice; and,

WHEREAS, for his service project requirement Christopher organized a toy drive, and under his leadership the boy scouts were able to collect and gift wrap over 200 toys for the benefit of the Children and Youth Services of Allegheny County; and,

WHEREAS, Christopher was chosen from over 200 candidates to be the Keynote Speaker, a highly prized accomplishment, at the Eagle Awards Dinner November 22, 1994, an event at which Dan Rooney, Owner of the Pittsburgh Steelers, was Chairman; and,

WHEREAS, only those young men who have been outstanding in scouting, exhibit only the highest ideals, have the esteem of their community and fellow scouts, and serve in a position of responsibility and leadership, obtain Eagle Scout status, the highest rank in the Boy Scouts; and,

WHEREAS, through his enthusiasm, hard work and dedication, Christopher successfully fulfilled all these requirements at the young age of 15, and has been presented with the Eagle Badge at the Court of Honor ceremonies November 28, 1994.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh hereby congratulates Eagle Scout Christopher Hallam on his recent achievement and commends him for his early success.

MR. HERTZBERG moved to adopt the resolution.

MR. ONORATO seconded the motion.

Which motion prevailed.

MR. HERTZBERG PRESENTS

No. 1319 WHEREAS, Elaine (DeDe) Palombini has been a member and officer of the Sheraden Improvement and Community Council during the past 16 years and participated in many Sheraden Community events, including the annual Halloween parade, Memorial Day festivities and Picnic; and,

WHEREAS, DeDe has stepped down as Secretary of the Sheraden Community Council; and,

WHEREAS, DeDe has also held dear her first responsibility of being a good wife to her husband Sam and good mother to her children Sammy, Suzie, Kathy and Joann; and,

WHEREAS, knowing that by example you teach your children how to be a good neighbor and citizen, DeDe involved herself in activities to enhance and help the quality of life for others; and,

WHEREAS, to that end, DeDe became a m ember of the Parent Teacher Association at Holy Innocents School, served on the Holy Innocents Church committee, was elected President of Holy Innocents Christian Mothers Guild; was the Leader for Girl Scouts, became an active member of the Sheraden Youth Football Auxiliary, Sheraden Women's Civic Club, Sheraden Improvement and community Councils, and is a Block Watch Captain for her street; and,

WHEREAS, with still more to offer, DeDe chose to volunteer over 5000 hours from her life to the patients at Ohio Valley Hospital; and,

WHEREAS, DeDe has unselfishly given so much of her time and energy to her family,

community, and touched the lives of so many people out of the goodness of her heart; and,

WHEREAS, the Sheraden Community has greatly benefited from DeDe's generosity.

NOW, THEREFORE, BE IT RESOLVED, that the members of the City Council of Pittsburgh, and the Sheraden Community Council, extend our deepest appreciation to DeDe for her dedication to helping others have a fuller and happier life, to thank her for her warm and generous nature, and to express our PRIDE in having DeDe Palombini as a member of our community.

MR. HERTZBERG moved to adopt the resolution.

MR. ONORATO seconded the motion.

Which motion prevailed.

MR. HERTZBERG PRESENTS

No. 1320 WHEREAS, Bill Ford has stepped down as President of the Sheraden Community Council, a position he has held for the past two years; and,

WHEREAS, under his direction, coordination, and active participation, the Sheraden Council presented many programs for the community, such as MEET THE CANDIDATES NIGHT, the MAYOR'S STRATEGY MEETING, PICNICS in Sheraden Park, Neighborfair's "BAG-A-THON", PAINT YOUR HEART OUT Sheraden, the Halloween Parades, and the erection and decoration of the annual Christmas Tree; and,

WHEREAS, Bill also has been an active member of the Sheraden Kiwanis and Community Council for several years, and has donated his valued services as a general contractor in construction of the community bulletin board on Hillsboro Street and the restroom building at McGonagle Field on Allendale Street; and,

WHEREAS, the Sheraden Community has greatly benefited from all of Bill's long hours of volunteer service.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh and the Sheraden Community Council wish to formally thank Bill for his dedication to the community, and express our gratitude for his hard work and generosity in helping Sheraden become Pittsburgh's #1 Neighborhood.

MR. HERTZBERG moved to adopt the resolution.

MR. COHEN seconded the motion.

Which motion prevailed.

MR. HERTZBERG PRESENTS

No. 1321 WHEREAS, Maureen Reynolds has been the President and a member, coordinator and supporter of the Sheraden Community Council and all of its events for the past several years; and,

WHEREAS, Maureen Reynolds has served the community in various ways, such as President, Vice President and Lt. Governor of district 5 of the Kiwanis; was elected as the Democratic Committee Woman of the 7th District, 20th Ward; helped establish and is a Board Member of the Sheraden Youth Center; and,

WHEREAS, Maureen is a Psychologist with St. Francis Hospital, and has been involved in many projects, such as the excellent program she initiated with the Expectant Mothers in Drug Rehabilitation work; and,

WHEREAS, Maureen has generously given many hours of her free time in helping others attain a better life.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh and the Sheraden Community Council wish to thank Maureen for her unselfish spirit in enhancing the lives and well-being of others, and express our appreciation for all her wonderful contributions to our community.

MR. HERTZBERG moved to adopt the resolution.

MR. COHEN seconded the motion.

Which motion prevailed.

The Chair:

Councilman Onorato, I believe you have one to be read into the record.

Mr. Onorato:

Mr. President.

The Chair:

Thank you, Mr. Onorato.

MR. ONORATO PRESENTS

No. 1322 WHEREAS, the Fort Pitt Chapter #13 of the Telephone Pioneers of America has been in existence for 73 years and consists of about 7,000 members throughout Western Pennsylvania. these members are retired and active Bell Atlantic Pennsylvania employees; and,

WHEREAS, these members, on a voluntary basis perform community service related projects; and,

WHEREAS, 1993-1994 resulted in excess of 200,000 hours of service to the community; and,

WHEREAS, listed below are a number of the community services provided by the Fort Pitt Chapter and its councils and clubs:

1. Raised funds to provide the training to two service dogs, one for a hearing-impaired person an d the other for an eleven year old wheelchair-bound child.

2. Raised $11,000 for St. Louis flood relief and 41,700 for CA earthquake victims.

3. Partnered with "Christmas in April" to raise funds and provide volunteers to renovate the home of an economically disadvantaged Homewood resident.

4. Made and distributed over 6,000 Hug-a-Bears to police, fire and health agencies for distribution to traumatized children.

5. Collected and delivered to drop-off site over 1,000 toys for the Channel 22 Salvation Army toy drive.

WHEREAS, the Fort Pitt Chapter #13 of Telephone Pioneers of America has participated in many other community service activities, too many to name.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh recognizes the hard work and efforts of the members of Fort Pitt Chapter #13 of the Telephone Pioneers of America and commends them for volunteering of their own time to aid in the betterment of the residents of the City.

MR. ONORATO moved to adopt the resolution

MR. COHEN seconded the motion.

Which motion prevailed.

The Chair:

Thank you. Presentation of Papers.

MR. ONORATO PRESENTED

No. 1331 Resolution providing for an extension of the professional services agreement with Sedgwick James for the administration of the City's Workers' Comp Program for a period beginning January 1, 1995 and ending June 30, 1995, at a cost not to exceed $350,000.00, chargeable to and payable from Code Account 44, Workers' Compensation, Department of Finance.

MR. ONORATO moved to suspend Rule 8 by providing for consideration of the bill only until or after the calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

MR. COHEN seconded the motion.

Which motion prevailed.

Also,

No. 1332 An Ordinance amending the Pgh., Code, Title 2, Fiscal, Article VII, Business Related Taxes, Chapter 241, Amusement Tax, Section 241.04, Amusement Tax Computation, by amending the rate of tax to be collected in accordance with the provisions of Act 77 of 1993, the Allegheny Regional Asset District Legislation.

Also,

No. 1333 An Ordinance amending the Pittsburgh Code, Title Two, Fiscal, Article IX, Property Taxes, Chapter 261, Personal Property Tax, Section 261.02, Levy and Rate, by deleting the tax rate for 1995 and thereafter in accordance with the provisions of Act 77 of 1993, the Allegheny Regional Asset District Legislation.

Also,

No. 1334 Resolution providing for the issuance of a warrant in the sum of $6,500.00 to Michael A. Vellano and Josephine Vellano, his wife c/o F. Christopher Spina, Esquire, Spina and Spina, P.C., Firm 3784, 1002 Fifth Avenue, Pittsburgh, PA 15219, in full and final settlement of an accident which occurred on Penn and Negley Avenues on or about August 30, 1990.

Also,

No. 1335 Resolution providing for an agreement or agreements with a consultant or consultants for consulting services to assist the City of Pittsburgh in acquiring state assistance and funding and to work with various agencies of government for the benefit of the City of Pittsburgh during 1995, at an aggregate cost not to exceed thirty-thousand dollars ($30,000.00), chargeable to and payable from Code Account 1017, Miscellaneous Services, Mayor's Office.

Also,

No. 1336 An Ordinance amending the Pittsburgh Code, Title Two, fiscal, by changing the Rate of Interest on certain delinquent Earned Income and Home Rule Taxes.—**(SPONSORED BY MR. ONORATO)**

Also,

No. 1337 An Ordinance amending the Pittsburgh Code, Title Two, Fiscal, Article IX, Property Taxes, Chapter 263, Real Property Tax, Section 263.01, Levy and Rate on Lands and Buildings, by levying the real property tax for 1995.—**(SPONSORED BY MR. ONORATO)**

Also,

No. 1338 Resolution making appropriations to pay the expenses of conducting the public business of the City of Pittsburgh and for meeting the debt charges thereof for the year beginning January 1, 1995.

Also,

No. 1339 Resolution fixing the number of officers and employees of all departments of the City of Pittsburgh and the rate of compensation thereof for the year beginning January 1, 1995.

Also,

No. 1340 Resolution adopting and approving the 1995 Capital Budget and the 1994 Community Development Block Program and approving the 1995 through 2000 Capital Improvement Program.

Which were severally read and referred to the Committee on Finance.

The Chair:

We need sense of the body. Two of these legislative pieces have to do with changing the tax structure under the Regional Asset District. As we know, one is lowering the Amusement Tax to five percent as required by law, effective January 1; another is elimination of the Personal Property Tax. Technically they would not require a public hearing, since we are not raising taxes. What is the pleasure of the body? If there is a desire to have a public hearing, I would like to suggest we waive Rule 8 on these bills, get them to the Committee tomorrow, so we can schedule a hearing; if not, we will move ahead.

Chairman first, then Mr. Ricciardi.

Mr. Onorato:

Mr. President, since we already have a day scheduled just for a Tax Hearing, during the budget proceeding, I would make a motion, or a suggestion, that we use that day to discuss all tax issues, including these two bills.

The Chair:

Do you recall the date of that hearing?

Mr. Onorato:

I do not have it here in front of me.

The Chair:

Mr. Ricciardi.

Mr. Ricciardi:

Thank you, Mr. President. That also was going to be my suggestion, that we do have a Tax Hearing, and I always believed in the past, that is when we discuss these type of matters, and they are -- it is monitored, it is televised and it is open to the public. So, I would also strongly urge my colleagues that we wait to discuss these bills during our Tax Hearing.

The Chair:

Very good, and we will then formally notify the public that technically this Tax Hearing will also be the hearing in which these two specific measures can be discussed. That is December 6 at 2 p.m., the Tax Hearing.

Any other comments or concerns?

Let's have a motion to suspend Rule 8 on the two tax bills so they can go to Committee.

MR. ONORATO moved to suspend Rule 8 by providing for consideration of the bills only until or after the calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

MR. COHEN seconded the motion.

Which motion prevailed.

The Chair:

Those two bills will be up on the agenda tomorrow for purposes of moving them to the December 6, 2 p.m. Tax Public Hearing.

MR. HERTZBERG PRESENTED

No. 1323 Resolution authorizing the issuance of a warrant in favor of the Tom Cat Screen Printing in the amount of Five Thousand Six Hundred Twenty-One Dollars and Seventy Cents ($5,621.70), in payment for services provided to the City of Pittsburgh, furnished for the benefit of the City without previous authority of law.

Also,

No. 1324 Resolution authorizing the issuance of a warrant in favor of the Globe Electric Company, Inc., in the amount of One Thousand Eight Hundred Sixteen Dollars and Forty-Six Cents ($1,816.46), in connection with the City of Pittsburgh's Swimming Pool Program, without previous authority of law.

Also,

No. 1325 Resolution authorizing the issuance of a warrant in favor of Pete Jeffrey & Associates, Inc., in the amount of Four Thousand Four Hundred Nine Dollars ($4,409.00), in payment for the purchase of recreational equipment, for the benefit of the City without previous authority of law, and providing for the payment thereof.

Also,

No. 1326 Resolution transferring the amount of $16,000.00 from Code Account 1832, Wages, Temporary Employees to Code Account 1800, Salaries & Wages, Administration in the Department of Parks and Recreation.

Also,

No. 1327 Resolution transferring the amount of $25,000.00 from Code Account 1801, Miscellaneous Services to Code Account 1808-9, Workers' Compensation in the Department of Parks and Recreation.

Also,

No. 1328 Resolution transferring the amount of $500,000.00 from Code Account SSFSP, Special Summer Food Service Program Trust to Code Account 45, Health Insurance, Municipal Employees.

Which were severally read and referred to the Committee on Finance.

Also,

No. 1329 Resolution authorizing the Mayor and the Director of the Department of Parks and Recreation to enter into agreements in individual amounts of Ten Thousand Dollars ($10,000.00) or less with various performers, instructors, artists and other persons with specialized skills in connection with the Department's various recreational and instructional programs.

Also,

No. 1330 Resolution providing for a license to Peoples Natural Gas Company to install, operate, maintain, repair, and remove 6,000± LF of maximum three inch (3") polyethylene pipeline on property of the City from Forbes Street to the Ice Rink in Schenley Park in the 15th Ward designated as Block 27-S, Lot 150.

Which were read and referred to the Committee on Parks and Recreation.

THE CHAIR PRESENTED

No. 1341 Resolution authorizing and directing the Treasurer to deposit six dollars ($6.00) from the court costs collected for each parking violation into the Retirees Additional Benefits Trust Account to be used to provide additional health care benefits to retired police officers, firefighters and municipal employees.—**(SPONSORED BY MR. FERLO)**

Which was read and referred to the Committee on Finance.

Also,

No. 1342 Resolution authorizing and directing the Chief Magistrate, City Court, to assess and collect court costs in the amount of $23.50 for each and every violation of the provisions of Chapters 541, 543 and 545 of the City Code, except those cases where a hearing is demanded.—**(SPONSORED BY MR. FERLO)**

Also,

No. 1343 Resolution authorizing and directing the City Controller to create a new General Fund Revenue Line Item within the Pittsburgh Magistrate's Court.—**(SPONSORED BY MR. FERLO)**

Which were read and referred to the Committee on Public Safety.

The Chair:

Anything under Unfinished Business or Reports of Special Committees, any matter to be brought up? If not, we will move to Reports of Committee.

REPORTS OF COMMITTEES

The Chair:

Committee on Finance, Councilman Onorato.

Mr. Onorato:

Mr. President.

The Chair:

Thank you, Mr. Onorato.

MR. ONORATO PRESENTED

Bill No. 1344

Report of the Committee on Finance for November 22, 1994, transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 1241

A Resolution entitled, "Resolution authorizing the transfer of Twelve Thousand Dollars ($12,000.00) from Code Account Public Safety Training Academy Trust Fund (PSTA), Index Code 253450, to Code Account Community Oriented Policing Trust fund (COP), Index Code 251215, Department of Public Safety."

Which was read.

Also,

Bill No. 1269

A Resolution entitled, Resolution providing for an Agreement or Agreements with Church of the Good Shepherd and the Shepherd Wellness Community, a non-profit organization, to provide bi-weekly dinners and other services for City residents."

Which was read.

Also,

Bill No. 1296

A Resolution entitled, "Resolution providing an agreement or agreements with a collection agency or agencies for professional services in connection with the collection of Claims, Judgments and other debts owed to the City of Pittsburgh at a cost not to exceed $5,000.00."

Which was read.

Also,

Bill No. 1295

A Resolution entitled, "Resolution authorizing the transfer of Eight Thousand Two Hundred Dollars ($8,200.00) from Code Account 1470-9, Index Code 147090, Workers Compensation, Bureau of Fire, to Code Account 1461-3, Index Code 146134, Longevity, Bureau of Fire. This transfer is necessary to pay the Fire Bureau's longevity payroll."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. O'Connor
Mr. Cusick	Mr. Onorato
Mr. Hertzberg	Mr. Ricciardi
Ms. McDonald	Mr. Ferlo
	(Pres't)

AYES 8 NOES none

The bills having received the legally required number of votes are passed finally.

Also,

Bill No. 1302

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Sargent Electric Company, in the amount of One Hundred Thousand Ninety-Nine Dollars and Three Cents ($100,099.03) for September's street lighting bill.

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. O'Connor
Mr. Cusick	Mr. Onorato
Mr. Hertzberg	Mr. Ricciardi
Ms. McDonald	Mr. Ferlo
	(Pres't)

AYES 8 NOES none

And there being two-thirds of the votes of Council being in the affirmative, the bill passed finally.

MR. RICCIARDI FOR MR. SMITH PRESENTED

Bill No. 1345

Report of the Committee on Planning, Housing & Development for November 22, 1994, transmitting two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 1277

A Resolution entitled, "Resolution amending Resolution No. 228, effective March 19, 1993, as amended by Resolution No. 366, effective April 29, 1993, by Resolution No. 1056, effective August 24, 1993, by Resolution No. 1219, effective November 1, 1993, by Resolution No. 755, effective October 19, 1994, and by Resolution No. 846, effective November 4, 1994, entitled, 'Providing for the filing of a Community Development statement by the City of Pittsburgh with the U.S. Department of Housing and Urban Development for a grant in connection with the 1993 Community Development Block Grant Program,' so as to decrease line item "Youth Commission" in the Department of Parks and Recreation and increase line item "Pittsburgh Community Services, Inc., - Small Grants Program" in City Planning.—**(SPONSORED BY MR. SMITH).**"
Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Ferlo
Ms. O'Connor	(Pres't)

AYES 7 NOES none

(MS. McDONALD ABSTAINING)

The bill having received the legally required number of votes passed finally.

Also,

Bill No. 1278

A Resolution entitled, "Resolution amending Resolution No. 556, approved May 7, 1993, entitled, 'Providing for an Agreement or Agreements with the Pittsburgh Community Services Small Grant Program for operational and/or administrative expenses, including purchase of equipment or materials, for the benefit of low-moderate income residents of the City of Pittsburgh, at a cost not to exceed $210,000.00.' by increasing the authorized amount by $38,333.00 from $210,000.00 to $218,333.00.—**(SPONSORED BY MR. SMITH).**"

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. O'Connor
Mr. Cusick	Mr. Onorato
Mr. Hertzberg	Mr. Ricciardi
Ms. McDonald	Mr. Ferlo
	(Pres't)

AYES 8 NOES none

The bill having received the legally required number of votes passed finally.

MR. O'CONNOR PRESENTED

Bill No. 1346

Report of the Committee on General Services for November 22, 1994, transmitting two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 1265

A Resolution entitled, "Resolution providing for a contract or contracts or the use of existing contract or contracts to purchase and install a telecommunication system for the Department of Personnel and Civil Service, in the amount not to exceed Thirty-Six Thousand Dollars ($36,000.00), and providing for the payment thereof."

Which was read.

Also,

Bill No. 1266

A Resolution entitled, "Resolution providing for a contract or contracts or the use of existing contract or contracts to purchase and installation of an electronic production switcher for the Department of General Services, bureau of Cable Communications, and not to exceed Seventy-Five Thousand Dollars ($75,000.00) providing for the payment of the cost thereof."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Councilman O'Connor.

Mr. O'Connor:

Yes, before we vote on Bill 1265, I know there was a lot of discussion at last week's Council meeting concerning, especially buying, although it is a Pittsburgh company, the phone system was from Toshiba, and I agree with a lot of the dialogue, certainly I think if we buy anything it should be referable local companies and American companies.

What I have done over the weekend, we had the holiday, and I talked to Ambassador Mickey Kantor, he is the U.S. Trade Representative; his office assured me that this year they have just come up with three new major trade agreements with Japan concerning telecommunications, but before that we were not allowed -- there was not a level playing field -- we were not allowed to do business there. They have no evidence that this is a dumping situation, and they do have over 2,000 employees in the U.S. Again, they checked it out and they thought this was a level playing field now, but I share concerns of mistrust, especially what we have seen the federal and state have done. Although this is a state contract, the state is buying all this equipment now, you just have to look at the last couple weeks, what the state has done as far as the emission testing fiasco and over the weekend, the helmet -- they did not realize what they were voting for, whether the helmet on the kid or not. So, I have a lot of doubts sometimes with what the state and federal government does.

I also, as recently as last night, was on the phone with AT&T regarding this situation, why their bid was higher, they have already mentioned they would like to renegotiate, they have different ways to bid it at a better price. I am waiting now, it was supposed to come this morning but it didn't, the AT&T had a lawsuit and they won against Toshiba for dumping, and it was just awarded this year.

So, what I would like to do, and I have talked to Director Miskovich, and today's bid is to encumber this money and to re-bid and renegotiate this whole contract. So, by voting for this today, she has agreed to re-bid it, and before we purchase any equipment we would come back to Council with the right bid, not only the low bid, the best bid for us.

And, also, to my concern, finding out 80 percent of the City and County phones are AT&T. So, by going to a new supplier, I think might be opening a can of worms, or if we do, I think it is time that we renegotiate, maybe look at all our

phones, and she is -- again, this is a new Director this year, but in the past, at least two years ago, I think the City made a lot of, I would say, bad judgments on the surface, and we are going to look into it. Instead of buying these systems at a much cheaper price, they leased them, and we are stuck with a lot of old leases that I feel this would be a good time to renegotiate with AT&T and possibly come down in all our departments, which we are talking about 80 percent of our phones. So, she has agreed to that.

By voting for this today it would only encumber the money this year, it is toward the end of the budget year. So, I would like your support to encumber the money, but under no circumstances will we be buying Toshiba equipment at this time, we will re-bid it and look at the whole telephone program.

The Chair:

Other comments? Councilman Cohen.

Mr. Cohen:

Thank you, Mr. President. I commend Councilman O'Connor for his leadership and initiative on this. I have similar thoughts on it but I think probably a different result.

Respectfully, I am going to vote "no" on this bill, and the reason is that I do not believe there was a proper bidding process, and that is what Councilman O'Connor is saying, and I am glad to see, whether this bill passes or doesn't pass, that it is going to be re-bid. After Wednesday's session I looked into this matter further and just became uncomfortable with the fact that there was no formal bid for the system; there was no request for proposal except over the telephone and that is not, I think, an adequate way of doing it.

The Advanced Telecom System, however, the Toshiba system folks, did submit a documentary bid because they have a contract with the Commonwealth of Pennsylvania, and it seems to me that there was not a bidding process that was fair to those other bidders, especially bidders of systems which were manufactured here in the United States. So, I am glad that this will be re-bid. I do not think we should approve this until it is re-bid in a way that is fair to everybody. If the bids come in and it turns out that Advanced Telecom is significantly lower in price for the system, as well as maintenance, then I think we should purchase the system.

On the other hand, I do think that we should have a bidder's preference, a bidder's preference for products that are made in Allegheny County and products that are made in the United States, for the reasons that Mr. O'Connor just stated, and that is that there is not a level playing field. I would suggest – just to put it on the table for discussion, I would just a five percent preference, which I believe, although we do not have all the documentation from the County, I believe that it is similar to Allegheny County and the Federal Government, but we need to have a new bid for this system, and I am glad to hear Councilman O'Connor say that is going to happen, but until that happens and there is a fair process, I can't vote for this bill.

The Chair:

Thank you, Mr. Cohen. Mr. Onorato.

Mr. Onorato:

Thank you, Mr. President. First I would like to have all of my comments brought forward from last Wednesday's meeting.

(REMARKS -- SEE ADDENDUM)

Mr. Onorato:

I want to thank Councilman O'Connor for continuing to look into this situation. I was one of two votes to vote "no" last week because I did not like what I saw, I felt that Toshiba was putting up a smoke screen in trying to say that it was a local company and that they were helping out their local economy. I felt strongly last week and I continue to feel strongly, that I believe that Toshiba, along with a lot of other Japanese companies, are doing two things. One, they are very successful in dumping and getting their products in the United States, and at the same time their, I guess, federal and local officials in Japan have protected their industries and that their elected officials protecting their industries, and until we have an even playing field, I think that everybody of government, from local boroughs to the Federal Government, should protect our industries when it comes to competing

head up with Japanese, the Japanese companies, if that is what it takes.

I am all in favor of global competition, I think it is good for all of us and I think it does promote jobs in this country; however, you cannot have global competition when only part of the globe is participating. The Japanese have been notorious for doing this in other industries. Everyone in this area, as I said last week, remembers the steel industry and the direct cause and effect relating to the Japanese steel dumping, that is well documented, that is just not accusations.

It appears that there is a lawsuit, that Councilman O'Connor referred to, between AT&T and Toshiba, regarding the dumping issue. Again, that AT&T won. What really irritated me about this particular contract is that it was not competitively bid, and that Toshiba pulled a fast one on a lot of people, and that is, let's move in and low ball the state contract, knowing that we have these piggy back rolls where, not only can county piggy back off the state contracts, but so can local municipalities. So, once you the big one at the state level, you can have this trickle down to every little municipality and government body in the State of Pennsylvania and before you know it, Toshiba has an exclusive contract with the entire state, all the counties and all the local governments.

I think it is time that we do take a stance and look beyond where a sales office might be located in Bethel Park or California, look beyond the few hundred people that might be employed in the United States and look at the bottom line in two ways. One, the profits, as far as I can see, is still rolled back to Japan; and two, what happens down the road if another U.S. industry is totally annihilated because, on one hand we are hiding behind a word called "global competition" but yet we have a country here who is deliberately targeting the United States to destroy industries and to eliminate industries.

Until the Japanese market is open, I in no way would support any Japanese company bidding on government contracts until we have an even playing field. I would like to explore a little further the commitment that Councilman Ricciardi received from the Director and to see where we are heading with future bidding on these particular products.

The Chair:

Councilman O'Connor's commitment, you were talking about?

Mr. Onorato:

Yes. I'm sorry, Councilman O'Connor.

The Chair:

I did not vote for this last week, and I am still not going to vote for it today. Setting aside the issues of a trade deficit and the lack of the level playing field, which were substantive issues as to why I voted "no" last week, I think the element and the issue involved of exactly how the bid occurred in terms of piggy backing the state contract, some of which Mr. Cohen just outlined, also was part of my reasoning for voting no.

I am still uncomfortable with voting for it today, even though technically we are encumbering the funds because we are technically following a vote, giving the Administration authorization. It is true that Mr. O'Connor is stating a commitment from the Director but in effect it will leave this table and we will not actually have our hands on the issue any more.

I would suggest either we table this or recommit it or just amend it to allow them to go out and seek the bids but have to come back to us and actually name once they get a successful bidder, and I think during that period -- just to conclude -- I really think we need to look at the issue that the Law Department raised. When we asked the Law Department to review this issue last week there was one little sentence in that memo that suggested that Council could conceivably have some power -- this was in response to a question that I raised to the Law Department -- the implication, I do not have the legal opinion in front of me, was that Council does have some discretion if it wants to create some type of a set aside or some type of a "buy American" type of initiative, but we need to amend the City Code of Ordinances in relation to the competitive bid process. I would like to see that happen parallel with this issue of rebutting and re-looking at the issue.

The other thing is, as I stated last week, this company has clearly low balled this contract, this is their wedge in to that larger market of the

City phone system. So, it is easy to low ball for personnel phones, knowing full well that they are trying to come back later for the overall phone system that the City has, notwithstanding the fact that the country also has an AT&T system. It is just good business practice on the part of Toshiba, I think they are smart, I think they knew what they were doing. I cannot remember a time that the sales people showed up in Council during the vote on this kind of an issue but I noted last week the close attentiveness of two sales people were here for Toshiba in the audience smirking away.

I am not in favor of voting for this today. I am still uncomfortable with approving it today and letting it go back to the Administration for their own prerogative.

Councilman O'Connor, did you respond? Mr. Cusick.

Mr. O'Connor:

I will refer to Mr. Cusick.

Mr. Cusick:

I would just like to say, last week I did vote for this, this week I will not, for reasons just stated by not only you but other members of Council. Mr. O'Connor, I really believe that you should consider either tabling this or holding it off until you allow your department to come back with another bid. I would appreciate that.

The Chair:

Councilwoman McDonald.

Ms. McDonald:

I have to agree that if there are reservations expressed here about the whole Japanese thing, I would say table it until we get information, and the reason I am saying this is because I know cohorts of my husband and myself, I will be in touch with electronics engineers because I do want to remind most people, when you go back and look at your TV you are looking at a Japanese-made TV. Most electronic equipment is now Japanese, and I think Toshiba's mistake is, they kept their Japanese name, but many companies do not keep the Japanese name, and it sounds American but take my word, it is made in Japan.

So, what I would like to do is make sure that we are comfortable with the bidding procedures and also that we are enlightened, enlightened as to what the heck we are talking about with the whole electronics industry and in regards to, is it Japanese, or whatever. I think that we need to take some time out, I agree with Councilman O'Connor, and I do also applaud his efforts in really trying to get down to the bottom of -- to make the right decision.

So, we do need to be enlightened. I am going to do my homework to find out, I will bring it to the table once I have the information, even if it means bringing in someone who can tell us about the electronics industry. This is not an automobile and it is not a lot of things that are manufactured either overseas or here. This is electronics, it is a different animal, and I agree that we are not keeping pace, but I would rather Council make an informed decision.

So, I applaud the efforts, and I will do my homework -- Councilman O'Connor has already done his homework, and just hold off.

But, as far as re-bidding, or what have you, I would be concerned what kind of monies are we losing in the time that we take to lease; will it come back a higher bid, a lower bid. So, I would ask my colleagues to also consider that when we talk about re-bidding, whether it could hurt or help us. And, like I said, I would just assume table and get an informed decision.

If necessary, once we have the information as to, are these AT&T phones really, are the components also made in America, are they Japanese and just put together here? Once we are enlightened then maybe we should re-bid, but I say, let's just get enlightened. So, let's hold off and table.

The Chair:

Councilman O'Connor.

Mr. O'Connor:

I agree with that. I think the other alternative, if we either table or recommit, I would

like to keep the door open because I today's budget, I can take this money and put it in the next year's budget. I think that is one concern the Director has. But, also, by doing this, I think we are putting a little more pressure on AT&T, they did not exactly come in with a great deal either. So, I think it is an opportunity to hold them to the fire and get the best deal possible. Already I have learned that there are state contracts and there is a federal contract. So, we did not even piggy back on the best one, the federal is a higher percentage through AT&T, or whoever.

So, these are the things, I think by re-bidding it and opening it up, there is a lot to save. And, as Ms. McDonald said, I think we have to be careful that we do not lose much money but if we hold it -- I think if we get to work on it right away, that would not be the case. So, within a month, I think we should not only evaluate this, but possibly the whole phone system for the City.

The Chair:

What is your pleasure, Mr. Chairman, on in relation to either approving this today or tabling or holding it or recommitting it?

Mr. O'Connor:

With your approval, I would like to recommit it.

MR. ONORATO seconded the motion.

The Chair:

Motion to recommit. Councilman Hertzberg.

Mr. Hertzberg:

Without this motion, I would have voted "aye". I have not changed my position on this. But, General Services has put before us a bill asking for new telephones for Personnel and Civil Service, and I take it they need new telephones, and that is why we are doing this. And, I trust, Councilman O'Connor, you have been very industrious in your investigation on all of this, that you will continue to pursue it and we won't end up with a Personnel Department that has no phones.

Mr. O'Connor:

No, I think one of the rushes was that, this is the end of the year and the money is there; if we do not either recommit it or re-budget it, then the money goes away, and that is why, I think the Director was trying to put it through now.

The phones are not broken, they are certainly able to operate for some time there, but I think this gives us an opportunity to open up the window for the whole telephone system that we have.

The Chair:

So, there is a motion to recommit it, and I assume with the recommit, we are going to explore the issue of amending the ordinance on competitive bid, as well we will do further research on the issue of the federal piggy backing on the federal contract versus the state and the competitive bid issue in toto.

Any other comments on the motion to recommit? All in favor of the recommittal?

WHICH MOTION PREVAILED.

The Chair:

The bill is recommitted.

On the remaining bills, are there any comments or discussion? Councilman Cohen.

Mr. Cohen:

Excuse me, Mr. President. On Bill 1266, I would like my comments brought forward.

(REMARKS -- SEE ADDENDUM)

The Chair:

Thank you very much. Any other comments?

The bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. O'Connor
Mr. Cusick	Mr. Onorato
Mr. Hertzberg	Mr. Ricciardi
Ms. McDonald	Mr. Ferlo
	(Pres't)

AYES 8 NOES none

The bill having received the legally required number of votes passed finally.

MR. HERTZBERG PRESENTED

Bill No. 1347

Report of the Committee on Parks and Recreation for November 22, 1994, transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 1279

A Resolution entitled, "Resolution amending Resolution No. 1376, effective December 14, 1993, as amended by Resolution No. 791, effective October 19, 1994, and Resolution No. 844, effective November 4, 1994, entitled: 'Resolution providing for an Agreement(s) and Contract(s), with Consultant(s) and Vendor(s) for various expenses in connection with the Pittsburgh Advocacy Commission on Youth,' by reducing the authorized amount by $8,333.00 from $133,334.00 to $125,001.00."

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. O'Connor
Mr. Cusick	Mr. Onorato
Mr. Hertzberg	Mr. Ricciardi
Ms. McDonald	Mr. Ferlo
	(Pres't)

AYES 8 NOES none

The bill having received the legally required number of votes passed finally.

MR. COHEN PRESENTED

Bill No. 1348

Report of the Committee on Public Safety for November 22, 1994, transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 1242

A Resolution entitled, "Resolution providing for an Agreement or Agreements with a consultant or consultants to establish a volunteer program for the Community Oriented Policing Program, and providing for the payment of the cost thereof."

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill? Councilman Cohen.

Mr. Cohen:

I would just like my comments brought forward on the volunteer COP Program, please.

(REMARKS -- SEE ADDENDUM)

The Chair:

Thank you. Any other comments?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. O'Connor
Mr. Cusick	Mr. Onorato
Mr. Hertzberg	Mr. Ricciardi
Ms. McDonald	Mr. Ferlo
	(Pres't)

AYES 8 NOES none

The bill having received the legally required number of votes passed finally.

MOTIONS AND RESOLUTIONS

The Chair:

Under Motions and Resolutions, do any of my colleagues have any issues to raise?

I would ask that you please, once again, review the proposed amendments to the Rules of Council on the Special Committees, if you have any amendments, if you could share them with me and your colleagues prior to the discussion, but we would like to move on that, so we can make some of the hoped for changes, also so we can have an actual working committee for our new Councilwoman to oversee.

Councilman Ricciardi.

Mr. Ricciardi:

When would it happen on that bill?

The Chair:

I think we hold it for two weeks. So, it won't be tomorrow but next week. I have an amendment on your issue about the authorities. Other than that, no one else has raised any substantive issue with me. So, if you have any concerns, please let me know.

And, I want to get a clarification from the Clerk. The Truancy Bill is now in effect, Councilman Hertzberg, and I thought we at some point would receive a report from the police on its implementation and what the experience is, and also we had asked for information pursuant to the bill on pending curfew legislation. Through Mr. Cohen, Public Safety Chairman, we asked for a report from the Mayor and from the Chief on a number of issues that we raised prior to considering curfew legislation. If we could have the Clerk or the respective Chairman follow up on that to get a follow-up.

Mr. Hertzberg:

Maybe those could be requested together, I think they are related.

The Chair:

No problem.

Mr. Cohen.

Mr. Cohen:

Obviously you recall because it was your legislation, but that was actually in the form of legislation more than a simple request.

The Chair:

Yes, I know, but I would like to --

Mr. Cohen:

Yes, but if we could follow-up with a letter.

The Chair:

-- have that information prior to us -- the implication from the Mayor, his Honor, was that we would be receiving some curfew legislation shortly. I do not know if that is this week or next week, but --

Mr. Cohen:

I did not have a definite date, Mr. President.

The Chair:

Well, we would like that other information for us to consider the bill.

Councilman Cusick.

Mr. Cusick:

Yes, I would just like to take this time to thank you and other Members of Council, Mr. Onorato, Mr. O'Connor, for attending the Wednesday afternoon HOV Busway/bridge meeting that was held by a special committee, that through your leadership was put together and I am now chairing. I would just like to state for the public that I think some very good dialogue went on. I think some new concerns were brought to this Council that this Council has not heard yet, and my hope is that Port Authority and Forest City are listening to the concerns and needs of Station Square and the Sheraden complex across the river. I think that for the first time this Council needs to play a very important role in whether or not we should become a barrier, or try to become a barrier in stopping the project, that may very well place somewhat of a grim look on the whole Station Square complex if it isn't properly done over there.

So, I hope that we will have a meeting within probably a couple more weeks, and I would like to see the rest of my colleagues at that meeting because it is very important, it is very important to the whole entire look of Pittsburgh. And, thank you.

The Chair:

Would you please let us know when that follow-up meeting is so that we can attend?

Mr. Cusick:

Absolutely.

The Chair:

Any other comments? We need a motion to approve the Minutes.

MR. COHEN moved to approve the Minutes of Monday, November 21, 1994.

MR. CUSICK seconded the motion.

Which motion prevailed.

The Chair:

Hearing no other comments, this meeting stands adjourned, and remember, we have a budget hearing this afternoon. Thank you all.

And on the motion of **MR. O'CONNOR**

Council adjourned.

(BEGINNING - MR. COHEN'S COMMENTS ON BILL NO. 1242, TUESDAY, NOVEMBER 22, 1994)

Mr. Cohen:

Chief, thank you for being here today and for providing us with the materials on this program. If you have already answered this my apologies but I am still a little unclear as to what the volunteer efforts will be with the COPS Program. I know you want to have volunteers in the mini-stations as many as possible; what beyond that?

Chf. Buford:

We hope to tap into two main sources. Senior citizens who are out there who are willing to come forward and volunteer their time to help train other citizens, perhaps utilize their expertise in the fields they retired from. I see the community oriented policing effort and the volunteer effort joining hands and perhaps enhancing not only the Community Oriented Policing Program but the Police Department and the city in general, especially with our recent teenage problems we need to tap into every source we can to address some of the youth problems we're having out there now.

Mr. Cohen:

I certainly agree with that. In terms of the duties of these volunteers you would want some of them to be in the mini-stations as I understand it, answering phones and not doing anything like traditional police work. Are there other volunteer activities that you are looking at that would be coordinated by the person you're asking us to fund today?

Chf. Buford:

We would try to coordinate our efforts not only with the mini-stations but also by tapping into the present volunteer corps that are out there. Perhaps by having meeting with them and tapping into some of their expertise we could utilize their sources as a vehicle to enhance what we want to do with community oriented policing.

Mr. Cohen:

Would the person work with the block watches?

Chf. Buford:

Yes.

Mr. Cohen:

And the money here is to hire a person and also to equip an office for this person?

Chf. Buford:

Yes. We would like to hire a community oriented policing volunteer coordinator. As part of the grant we have been funded for travel expenses which will enable that person to travel to certain cities that presently have the volunteer program in place.

Mr. Cohen:

Is that part of the federal money?

Chf. Buford:

Yes, that is part of the federal grant. Equipment would be purchased that would include normal equipment desks, storing cabinets, a computer to track the program and tap into our de-map program, to track crime and do it before and after, track the concerns of the citizens and how we respond to things of that nature. We have a certain percent that would be dedicated to supplies. Paper for the computer, advertising, perhaps putting forth some type of programs with the community and the police involved.

Mr. Cohen:

Can you break it down Chief to how much would go for salary and how much would go equipment and supplies?

Chf. Buford:

Yes. The Volunteer Coordinator salary would be $33,800.00; travel would be $1,526.00; equipment, $7,700.00; supplies, $8,000.00 for a total of $51,026.00.

Mr. Cohen:

You're not asking for that full amount today, are you?

Chf. Buford:

No.

Mr. Cohen:

You're asking for $38,000.00 today?

Chf. Buford:

Yes.

Mr. Cohen:

Okay. Mr. Chair, I know this may be slightly off the bill but in terms of the COP Program --

The Chair:

-- that's exactly why I put all three bills on the floor because I knew we were going to start talking about the COPS Program.

Mr. Cohen:

Chief, we had a post-agenda here not long ago with Councilman O'Connor and I and a number of issues were raised with respect to the COPS Program. My understanding is that the COPS officers will now report to the zones and not have all the COP officers city wide report to the one Point Breeze station. Has that happened yet?

Chf. Buford:

Yes, it will happen. The hold up is the promotion of the sergeants. We are presently in the process of selecting the sergeants that will be promoted and when that process is completed and they are promoted then six of them will be assigned to each one of the zones and at that point the community oriented police officers who are assigned to those zones will report to the sergeant who is assigned to the zone.

Mr. Cohen:

When do you see that taking place?

Chf. Buford:

I would imagine mid-December, perhaps the latter part of December.

Mr. Cohen:

Okay. Another issue that was raised was weekends off for COPS officers. A number of citizens raised concerns about the COPS officers having the days off when much of crime is occurring and that is on weekend evenings. Is that being looked at in terms of changing the policy?

Chf. Buford:

Under our contract we have to post a picking system each year. For next year we posted the days off for community oriented police officers as being Saturday and Sunday with one shift. I believe it's 3 to 11. That is not to say that during next year we can't modify the system, depending on the need of the neighborhood. For instance if some neighborhoods tell us that the schedule is not conducive to what their needs are then we are willing to change it.

Mr. Cohen:

Okay. Does that include both the off days as well as the shift times? Not changing the length of the shift but the shift times as well?

Chf. Buford:

Yes.

Mr. Cohen:

Okay, thank you Chief.

(END OF COMMENTS)
PREPARED BY: MARY ANNE HRUSKA
STENOTYPE REPORTER

(BEGINNING - MR. ONORATO'S COMMENTS ON BILL NO. 1265, TUESDAY, NOVEMBER 22, 1994)

The Chair:

How many companies bid on this contract?

Mr. Salopek:

The total number of companies that bid for the state contract, I don't have that information but I can tell you that AT&T and Northern Telecom were two of the bidders.

The Chair:

So these numbers that you are showing us, the differential in the bid was the bid that took place at the state level.

Mr. Salopek:

The information that you have there was generated by myself. That was a cost analysis that I did locally that has nothing to do with the state bid.

The Chair:

So we never had a chance to see the low bidders going out on their own. Explain what the benefit was to piggybacking off the state contract as opposed to going out on a separate bid for the City of Pittsburgh.

Mr. Salopek:

With each of the vendors that I approached when I was doing that cost analysis, I let them know that what we were looking to do and I was open with them, I told them that the state had awarded a contract and that we were looking at the contract. Before we made a decision as far as trying to go with the contract, I wanted to give every company the opportunity to bid or I should say to submit a price for the system so that we can use it as a comparison. So going into it each one knew that the price that they gave me possibly determine whether or not they ended up getting the system maintenance with the City or else we went with the state contract.

And back to the other question before about who all bid, since AT&T and Northern Telecom did bid on the contract, they had the opportunity at that time knowing the full extent of the state contract and the amount of systems which would be possibly sold through that contract, to try and come in at a better price and since they were not the awarded vendor, it's obvious they could compete with the prices that ATI offered.

The Chair:

Let's face it, the way this is set up, whoever has the state contract is going to win. If you got a state contract the economy scale is going to dictate that your unit price is going to be much lower to piggyback off to a city who is also doing millions of dollars of business with the state contract. What I would have liked to seen is what we're the state bid contracts and how close they were at that level. Do we have those numbers?

Mr. Salopek:

I do not have those numbers. I can tell you that when they did the bidding process they don't base it solely on price. As a matter of fact, the cost of the system is probably one of the lowest of the deciding factors. They have three separate sections they go through, the state. The first one is the technical capabilities of vendor of ATI Communications. Whether or not they would even be able to install, maintain and service the equipment, that's paramount. Before they even award a contract they have to ensure that they have a vendor who is qualified. The second portion of the contract deals with the technical specifications of the system. If a vendor is able to make it through the first two parts then they open up the third part which includes the price of the system. So anybody that got to the third part obviously had a system that met all of the qualification needs of the state and also was deemed to be a reliable vendor. So as far as the fear of product dumping, the price was actually so low in the decision process --

The Chair:

— how do you know that?

Mr. Salopek:

As was stated by Charlie Siefert who is the individual in charge of the contracts for the Telecommunications Section. He went through a step-by-step procedure in which they go through their bidding process.

The Chair:

And it never made it to the price of the unit.

Mr. Salopek:

They make it to the price of the unit, only the vendors who have qualified in Parts 1 and 2 do they even consider them for Part 3. If they can't meet the technical qualifications as far as a company is concerned and a product that they offer does not

meet the technical specifications, they don't even consider the price because obviously they failed on the first two.

The Chair:

I understand that. What I am trying to find out is, what happened on this particular bid at the state level?

Mr. Salopek:

There were a handful of companies that did make it through the first two portions and the price was a deciding factor at the end, based on the companies that made it through the first two portions of the bid.

The Chair:

It finally came down to the price of the unit to pick the awardee.

Mr. Salopek:

That's correct.

The Chair:

We don't know what the difference is here.

Mr. Salopek:

I can say that ATI was a prior award winner for 23 counties in the state last year and based on their performance which the state had a chance to gauge because they used them for one year, they went ahead and extended it for the whole state.

The Chair:

Does ATI only deal with Toshiba?

Mr. Salopek:

No, they do not. As a matter of fact, there are other distributors because ATI is spread out and they are not centrally located solely in Pittsburgh, they have other branches and some of the other branches they have other products that they do offer.

The Chair:

What are the products, any American products?

Mr. Salopek:

Not that I know of.

The Chair:

To me these memos mean absolutely nothing. This doesn't prove anything to me. I think that the whole state has been schnookered into thinking that Toshiba is very smart. They now have the entire state contract and they know the piggyback effect. Somewhere along the line I will bet there was a dumping involved with the pricing of this because I can't believe that AT&T and the American companies can't compete in technology and it irks me of the fact that I know we don't get to compete over there and it's a personal feeling of mine. This isn't about the City of Pittsburgh, this is about the entire state of Pennsylvania and you even mentioned this as of the United States.

Are there any comments?

(END OF COMMENTS)
PREPARED BY: MARY ANNE HRUSKA
STENOTYPE REPORTER

(BEGINNING - MR. COHEN'S COMMENTS ON BILL NO. 1266, TUESDAY, NOVEMBER 2, 1994)

Mr. Cohen:

I did want to take a look at the current switcher and ask Director Miskovich and also Michael Plaks of the Cable Communications Office about the switcher that's proposed to be purchased here for $75,000.00. I took a tour up there this morning and I'm convinced although I am not by any means a technician or an expert in this area that the Cable Communications Division does need this switcher, particularly since they said that if we don't get it that Council meetings are no longer going to be televised because it's going to break down. Now some people may think that it may be a good thing and it may cut down the length of our meetings but in general I think it's a good thing and I do think we need the switcher and so I will support it and appreciate Deborah Miskovich and Councilman O'Connor's help.

(END OF COMMENTS)
PREPARED BY: MARY ANNE HRUSKA
STENOTYPE REPORTER

MUNICIPAL RECORD

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Municipal Record

ONE-HUNDRED TWENTY-EIGHTH COUNCIL

JIM FERLO.....President
LINDA M. JOHNSON-WASLER.....City Clerk
KURT J. SALAC.....Asst. City Clerk

Pittsburgh, PA
Wednesday, December 7, 1994

PRESENT:

Mr. Cohen	**Mr. O'Connor**
Mr. Cusick	**Mr. Onorato**
Mr. Hertzberg	**Mr. Ricciardi**
Ms. McDonald	**Mr. Ferlo (Pres't)**

The Chair:

Ladies and gentlemen, good morning. City Council's Legislative Session will now come to order.

Would you all please rise for the Pledge of Allegiance. Would you please remain standing for a moment of silent prayer.

I think today we will pay respects and our prayer will go out to Councilman Smith, our colleague who is deceased, and our prayers and hearts go out to Councilman Smith's family today.

We have a special little girl here today, Councilman Hertzberg's little girl; she is a Kindergarten student, five years old; she goes to Elizabeth Seton Elementary School, and she is going to lead us in the Pledge of Allegiance, and her name is Kara Hertzberg. Kara.

Kara Hertzberg:

I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with Liberty and Justice for all.

The Chair:

Thank you, Kara. We appreciate you coming down today to do the Pledge of Allegiance with your daddy. I see your mom is here also. Good morning.

Ladies and gentlemen, it is a little bit of a difficult day today here in Council Chambers with the tragic loss of our colleague Councilman Smith. We will announce some arrangements later on regarding his viewing and the formal services at the Holy Cross Church, which are on Friday, a little later in the meeting.

Again, our prayers and our hearts go out to Councilman Smith's family and his closest friends and his brother James.

We did not meet yesterday out of respect to our colleague, but we are also meeting today out of respect for our colleague. I think Chris would want us to immediately get back to the work of City government and we are doing that today.

PRESENTATIONS

The Chair:

At this time I would like to move to the Presentation of Papers, calling on Councilman Cohen, Committee on Public Safety.

MR. COHEN PRESENTED

No. 1349 Resolution authorizing the transfer of the sum of $154,100.00 from Code Account 1838, Miscellaneous Services, Parks & Recreation, to the following code accounts: $32,000.00 to Code Account 1444, School Crossing Guards; $117,600.00 to Code Account 1457, Uniforms; and $4,500.00 to Code Account 1452-2, Legal Defense Contribution.

Also,

No. 1350 Resolution authorizing the transfer of $13,500.00 from Code Account 1450, Police Equipment, to Code Account 1448, Police Miscellaneous Services, Bureau of Police, Department of Public Safety.

Which were read and referred to the Committee on Finance.

MR. COHEN moved to suspend Rule 8 by providing for consideration of the bills only until or after the calendar day following the meeting in which the bills were introduced so the bills will be on the agenda today.

MR. CUSICK seconded the motion.

Which motion prevailed.

The Chair:

We will move directly into the Standing Committee Meeting immediately following this Legislative Meeting; that meeting will be Chaired by Councilman Onorato. We will take a 15-minute recess following this formal Legislative Meeting. This is the Legislative Meeting that we would have had yesterday.

Councilman Cusick, Committee on Engineering and Construction.

Mr. Cusick:

Mr. President.

The Chair:

Thank you, Mr. Cusick.

MR. CUSICK PRESENTED

No. 1351 Resolution providing for the issuance of a warrant in favor of CSX Transportation in the amount of $264.07 in payment of Railroad Flagging Services required for the inspection of the Herr's Island Bridge; chargeable to and payable from Code Account EC 94-57.

Also,

No. 1352 Resolution providing for the issuance of a warrant in favor of Golden Triangle Construction Company in the amount of $11,505.00 in payment of the installation of conduit and junction boxes located at the intersection of Ross Street and Second Avenue in conjunction with the C.T.R.T.C.S. project; charging the same to Code Account EC94-56.

Also,

No. 1353 Resolution providing for the issuance of a warrant in favor of Consolidated Rail Corporation in the amount of $349.34 in payment of Railroad Flagging Services required for the bridge safety inspection of the South 12th Street Bridge; chargeable to and payable from Code Account EC94-57.

Which were severally read and referred to the Committee on Finance.

Also,

No. 1354 Resolution repealing Resolution #696, effective 8/23/89, entitled "Providing for a Cooperation Agreement or Agreements with Armstrong Square, Inc., for the design and construction of street improvements, sidewalk improvements and public utility improvements in the vicinity of 21st, 22nd, 23rd, 24th, and Railroad Streets in the City of Pittsburgh." Cost not to exceed $1,500,000.00, chargeable to and payable from the following Code Accounts: EC88-05 and EC89-08.

Also,

No. 1355 Resolution providing for a Contract or Contracts, or use of existing Contracts, and/or an Agreement or Agreements, or use of existing Agreements for the Renovation of Various Public Buildings; providing for the purchase of equipment and/or materials for said projects, at a

cost not to exceed $150,000.00, chargeable to and payable from Code Account EC 94-226.

Also,

No. 1356 Resolution providing for a Contract or Contracts, or use of existing Contracts, and for the purchase of equipment and/or materials in connection with the Rehabilitation of Roofs of Various Buildings, at a cost not to exceed $150,000.00, chargeable to and payable from Code Account EC 94-211.

Also,

No. 1357 Resolution providing for a Contract or Contracts, or use of existing Contracts, for the Rehab. of the Meadow Street Bridge; providing for a Reimbursement Agreement or Agreements with the Comm. of PA. Dept. of Transp., at a cost range of $1,000,000.00 or more but less than $1,600,000.00; chargeable to and payable from the Meadow Street Bridge Trust Fund.

Also,

No. 1358 Resolution providing for the creation of a special trust fund to be known as the "Meadow Street Bridge Trust Fund" for the deposit of funds and reimbursements to be used for the Rehabilitation of the Meadow Street Bridge.

Also,

No. 1359 Resolution further amending Resolution No. 1455, effective January 1, 1994, entitled "Adopting and Approving the 1994 Capital budget and the 1994 Community Development Block Grant Program; and approving the 1994 through 1999 Capital Improvement Program," by creating a new line item (EC94-63 Meadow Street Rehabilitation Trust Fund Transfer).

Also,

No. 1360 Resolution Adopting Official Sewage Facilities for the Glen Caladh Housing, Plan of Property located at the intersection of Glen Caladh Road and Osprey Way in the 15th Ward of the city of Pittsburgh.

Which were severally read and referred to the Committee on Engineering and Construction.

The Chair:

I would like to welcome the Honorable Gene Zielmanski, who I see in the audience; District Justice from the 6th and 9th Wards. Good morning. Thanks for coming down today.

The Honorable Councilman Alan Hertzberg, Committee on Parks and Recreation.

Mr. Hertzberg:

Mr. President.

The Chair:

Thank you, Mr. Hertzberg.

MR. HERTZBERG PRESENTED

No. 1361 Resolution transferring the amount of $1,200.00 from Code Account 1001-1, Miscellaneous Services, Supplies, Equipment, Etc., City Council, to Code Account 1101-2, Salaries, Wages & Services of Council, City Council.—**(SPONSORED BY MR. HERTZBERG)**

Also,

No. 1362 An Ordinance supplementing the Pgh., Code, Title Two, Fiscal, Article IX, Property Taxes, Chapter 263, Real Property Tax and Exemption, by adding Section 263.15, Charitable or Relates Tax Exemption Challenges.--**-(SPONSORED BY MR. HERTZBERG)**

Also,

No. 1363 An Ordinance amending the Pgh., Code, Title Two, Fiscal, Article IX, Property Taxes, Chapter 263, Real Property Tax, Section 263.13, Procedures, by deleting a separate requirement by the City for gentrification exemption.—**(SPONSORED BY MR. HERTZBERG)**

Which were severally read and referred to the Committee on Finance.

MR. O'CONNOR PRESENTED

No. 1364 Resolution providing for the transfer of $1,399,162.50 from Code Account 45, Health/Life Insurance - Municipal Employees, to

Code Account 1154-1, Rental of Motorized Equipment, Department of General Services.

Which was read and referred to the Committee on Finance.

MR. O'CONNOR moved to suspend Rule 8 by providing for consideration of the bill only until or after the calendar day following the meeting in which the bill was introduced so the bill will be on the agenda today.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

MR. ONORATO PRESENTED

No. 1365 Resolution approving the terms of and authorizing the execution and delivery of a Cooperation Agreement with the Urban Redevelopment Authority of Pgh. relating to creation by the Authority of a Development Fund to stimulate residential, commercial, industrial and other development in the City; authorizing the assignment to the Authority of a portion of the amount the City is entitled to receive from the sales, use and hotel excise tax imposed pursuant to Act 77, to be used by the authority for such development, including the payment of debt service on bonds to be issued by the Authority in an aggregate principal amount of approximately sixty million dollars ($60,000,000).

Also,

No. 1366 Resolution authorizing the City of Pgh., to submit grant applications and execute relevant agreements to the Pennsylvania Department of Community Affairs under the provisions of the Keystone Recreation, Park, and Conservation Fund.

MR. ONORATO moved to suspend Rule 8 by providing for consideration of the bills only until or after the calendar day following the meeting in which the bills were introduced so the bills will be on the agenda today.

MR. RICCIARDI seconded the motion.

Which motion prevailed.

Also,

No. 1367 Resolution providing for the issuance of a warrant in the sum of $15,000 to Eulicious Woods and Frank J. Micale, Esquire, Goodrich, Micale and Search, the National Building, 436 Boulevard of the Allies, Pittsburgh, PA 15219, in full and final settlement of alleged personal injuries regarding the apprehension of a suspected criminal at Grant Street and Court Place on or about May 18, 1991.

Also,

No. 1368 Communication from Barbara Parees, Director, Dept. of Personnel and Civil Service, requesting approval for John Turyan (a non-city employee) Chair, Pittsburgh Private Industry Council, to attend Board of Directors Meeting for National Assoc. of Private Industry Councils on December 10-11, 1994, at a cost not to exceed $605.00, payable from JTPA-1 Trust Fund.

Which were read and referred to the Committee on Finance.

MR. FERLO PRESENTED

No. 1369 Resolution transferring the amount of Twenty Thousand Dollars ($20,000) from Code Account 1001-2, Salaries, Wages and Services of Council, as Needed, City Council, District 6, to Code Account 1103, Misc., Services, Department of City Planning.---**(SPONSORED BY MR. FERLO)**

Also,

No. 1370 Resolution transferring the amount of Five Thousand Dollars ($5,000) from Code Account 1001-2, Salaries, Wages and Services of Council, As Needed, to Code Account 1838, Misc. Services, Department of Parks and Recreation.---**(SPONSORED BY MR. FERLO)**

Which were read and referred to the Committee on Finance.

Also,

No. 1371 Resolution providing for an Agreement or Agreements with the Big Brothers & Sisters for the benefit of residents of the City of Pittsburgh, at a cost not to exceed $5,000.00, chargeable to and payable from Code Account

1103, Miscellaneous —**(SPONSORED BY MR. FERLO)**

Also,

No. 1372 Resolution providing for an Agreement or Agreements with the Holy Cross Episcopal Church on behalf of the Black College Spring Tour for the benefit of residents of the City of Pittsburgh, at a cost not to exceed $5,000.00, chargeable to and payable from Code Account 1103, Miscellaneous Services, Department of City Planning.---**(SPONSORED BY MR. FERLO)**

Also,

No. 1373 Resolution providing for an Agreement or Agreements with the Hill PAC for the benefit of residents of the City of Pittsburgh, at a cost not to exceed $5,000.00, chargeable to and payable from Code Account 1103, Miscellaneous Services, Department of City Planning.---**(SPONSORED BY MR. FERLO)**

Also,

No. 1374 Resolution providing for an Agreement or Agreements with the Central Northside Neighborhood Council for Youth Consulting Services for the benefit of residents of the City of Pittsburgh, at a cost not to exceed $5,000.00, chargeable to and payable from Code Account 1103, Miscellaneous Services, Department of City Planning.---**(SPONSORED BY MR. FERLO)**

Which were severally read and referred to the Committee on Planning, Housing & Development.

Also,

No. 1375 Resolution providing for an Agreement or Agreements with the Greater Pittsburgh Campfire Council for the benefit of residents of the City of Pittsburgh, at a cost not to exceed $3,000.00, chargeable to and payable from Code Account 1838, Miscellaneous Services, Department of Parks and Recreation.---**(SPONSORED BY MR. FERLO)**

Also,

No. 1376 Resolution providing for an Agreement or Agreements with the Bethel A.M.E. Church on behalf of The Children of Love Theatre for the benefit of residents of the City of Pittsburgh, at a cost not to exceed $2,000.00, chargeable to and payable from Code Account 1838, Miscellaneous Services, Department of Parks and Recreation.---**(SPONSORED BY MR. FERLO)**

Which were read and referred to the Committee on Parks and Recreation.

Also,

No. 1377 Resolution approving execution of a Disposition Contract by and between URA and Bloomfield-Garfield Corporation for the sale of Block 50-L, Lots 83, 84, 85, 88, 89, 90, 91, 92, and 92A in the 10th Ward of the City of Pgh., Residential Land Reserve Fund (residential construction).

Also,

No. 1378 Resolution approving execution of a Disposition Contract by and between URA and Rosedale Block Cluster, Inc., for the sale of Block & Lot Nos. 175-G-31 and 175-G-71 in the 13th Ward of the City of Pgh., for $1.00 plus costs -- Residential Land Reserve Fund (parking/playground).

Also,

No. 1379 Resolution approving the sale of Block and Lot 56-J-224 in the 15th Ward of the City of Pittsburgh by and between URA and Glen Hazel Citizens Association, for $3,500.00 plus costs (residential rehabilitation).

Also,

No. 1380 Resolution approving execution of a Disposition Contract by and between URA and Northside Tenants Reorganization for the sale of property in the 21st and 25th Wards of the city of Pgh. (residential rehabilitation).

Also,

No. 1381 Resolution approving a conditional use under Section 993.01(a)A(52) of the Pittsburgh Code, title Nine, Zoning, Article V, Chapter 993, as amended, to Appletree Bed and Breakfast, Inc., for authorization to convert an

existing three-story structure into a bed and breakfast facility with four guest rooms located at 703 South Negley Avenue, with parking to accommodate four automobiles, on property zoned "R4" Multiple-Family Residence District, 7th Ward. (COUNCIL DISTRICT NO. 8)

Which were severally read and referred to the Committee on Planning, Housing & Development.

THE CHAIR PRESENTED

No. 1382 Communication from Tom Flaherty, City Controller, submitting the Fiscal Audit of the Department of General Services, Warehouse Inventory report dated October 5, 1994.

Which was read, received and filed.

UNFINISHED BUSINESS

The Chair:

Under Unfinished Business, Mr. O'Connor.

Mr. O'Connor:

Yes, I would like to make a motion to untable Bill 1265.

The Chair:

Could you just state what the bill is so my colleagues will be familiar with it.

Mr. O'Connor:

That is to encumber the $36,000.00 for the equipment purchase so that it can stay in the budget so that we can go out for bid. Actually we will discuss it. I would like to Rule 8 it so we can discuss it today.

MR. ONORATO seconded the motion.

Mr. Hertzberg:

Is that the telephones for Personnel?

Mr. O'Connor:

Yes.

The Chair:

The motion has been made to untable the bill for the purposes of moving it forward to the Committee Session.

Mr. O'Connor:

Yes, I would like to also Rule 8 it for this Committee.

The Chair:

All in favor of untabling the bill and waiving Rule 8 so that we can discuss the bill shortly?

WHICH MOTION PREVAILED.

The Chair:

Thank you. The bill will be up in Committee Session, Bill 1265.

Under Unfinished Business, the Chair presents.

THE CHAIR PRESENTS

No. 1205 Resolution appointing Sandra Rosen to the Minority and Women Business Enterprise Review Committee for a term to expire April 30, 1996.

Which was read.

Also,

No. 1207 Resolution appointing Earl F. Hord to the Minority and Women Business Enterprise Review Committee for a term to expire April 30, 1996.

Which was read.

The Chair:

You have heard the appointments, we have interviewed these individuals; they are outstanding individuals. I think everyone has

concurred with that. I think we want to move expeditiously to allow them to serve quickly and get focused in on the work of the Committee.

Is there any discussion on the appointments? Roll call vote on the appointments.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. O'Connor
Mr. Cusick	Mr. Onorato
Mr. Hertzberg	Mr. Ricciardi
Ms. McDonald	Mr. Ferlo (Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the appointments passed finally.

The Chair:

These individuals are confirmed to be members of the WBE/MBE working committee. Thank you very much. And, please have the Clerk notify the Administration the confirmation of the individuals.

Also, under Unfinished Business, I want to put Mr. Cohen on the spot here regarding TCI approval process. Councilman.

Mr. Cohen:

You can put me on the spot, Mr. President, no problem.

The decision by City Council has to be made by December 21st, if you recall. I was just on the phone with out cable consultant David Wormser right before this meeting, that is why I was a little late for this meeting, and he -- we have been working together with Deborah Miskovich, the head of General Services, as well as Cable Communications, and also Mr. Ashley Schannauer in the Law Department.

Mr. Wormser will have his report here by Thursday, and at that point we will be able to distribute it to the other members of Council. I have not seen the final report yet. And, I would like to then go around to every Councilmember, discuss it with them, introduce our resolution that we have to have passed by City Council the following Tuesday and ask Council to waive Rule 8 on that so we can bring it up on Wednesday.

The Chair:

So, you will work with the Administration in transforming the written report from Mr. Wormser into a formal resolution --

Mr. Cohen:

Yes.

The Chair:

-- we will introduce it and we will waive Rule 8.

Mr. Cohen:

That is right.

The Chair:

We will not be able to have a public hearing, and we will -- we don't need to have a public hearing.

Mr. Cohen:

Mr. President, yes, remember we have had two public hearings on this already.

The Chair:

I understand. I am reminding my colleagues. We are not going to have another public hearing, so please do your due diligence when Mr. Cohen delivers the report to you so that we can discuss it and move on it one way or the other.

Mr. Cohen:

Right. I will visit every Councilmember, first my two colleagues on the Cable Committee, one, Councilman Cusick and Councilman Onorato, the two of them first, and then the other Members of Council.

I think you will find that we will be taking aggressive action to keep TCI's rates down and service improved.

The Chair:

Thank you. Councilman Hertzberg.

Mr. Hertzberg:

Councilman Cohen, are we going to have in there some kind of review by an accounting or auditing type of firm of the figures?

Mr. Cohen:

Yes. Yes.

The Chair:

The auditing firm was actually a subcontracting professional service firm retained by Mr. Wormser, our consultant, but they specifically had auditing and accounting skills.

Mr. Cohen:

Yes, and that will be included in the report, yes.

Mr. Hertzberg:

Good.

The Chair:

Any other matter on this issue? So, we want to be able to review that. I know we are busy with the budget, but we need to review this and we must take a legal action by December 21st.

Thank you, Mr. Cohen.

Mr. Cohen:

Thank you.

REPORTS OF COMMITTEES

The Chair:

Under Reports of Committees, Committee on Finance, Councilman Onorato.

Mr. Onorato:

Mr. President.

The Chair:

Thank you, Mr. Onorato.

MR. ONORATO PRESENTED

Bill No. 1383

Report of the Committee on Finance for November 30, 1994, transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 1272

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title One, Administrative, Chapter 161, "Contracts", Section 161.19, 'Development Proposals Minority Participation Plan,' to increase the reviewing responsibilities of the Minority Business Enterprise Review Committee and to amend the quorum required for a meeting.—**(SPONSORED BY MR. FERLO)**

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

The bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen Mr. O'Connor

Mr. Cusick Mr. Onorato
Mr. Hertzberg Mr. Ricciardi
Ms. McDonald Mr. Ferlo
(Pres't)

AYES 8 NOES none

The bill having received the legally required number of votes passed finally.

Also,

Bill No. 1299

A Resolution entitled, "Resolution (A) AUTHORIZING AND DIRECTING ISSUANCE OF A SERIES OF TAX AND REVENUE ANTICIPATION NOTES, SERIES OF 1995, IN THE AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED TWENTY-FIVE MILLION DOLLARS ($25,000,000).---(AS AMENDED)

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Councilman Cusick.

Mr. Cusick:

I just want to make a quick statement. I am supporting Bill 1299, but after going and re-reviewing the agreement for the 25,000,000 that we are taking on a short-term loan, again, I want to go on record as saying that it upsets me that we are paying a financial advisor and counsel both $25,000.00 and that does not include the expenses. I mean it very much upsets me because I mean $25,000.00, I mean what do they mean by expenses, and I do not think we received an explanation for that, and I just want to go on record and say that I was very unhappy to see the Administration did not -- I would think that 25,000 would included expenses, and I am very unhappy with that. Thank you very much.

The Chair:

Any other comments? Councilman Cohen.

Mr. Cohen:

Mr. President, I would like my comments brought forward on Bill 1299, regarding the bond, please.

(REMARKS -- SEE ADDENDUM)

The Chair:

Thank you, Mr. Cohen. Other comments?

The bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen Mr. Onorato
Mr. Cusick Mr. Ricciardi
Ms. McDonald Mr. Ferlo
Mr. O'Connor (Pres't)

AYES 7 NOES none

(MR. HERTZBERG ABSTAINING)

The bill having received the legally required number of votes passed finally.

Also,

Bill No. 1300

A Resolution entitled, "Resolution repealing Resolution No. 709, Item E, effective September 23, 1994, which repealed Resolution No. 182, Item F, effective March 22, 1994, which authorized the sale of a vacant lot, 709 Melrose St., 25th Ward, Block 45 S, Lot 181A, to Frank C. Locust, for the sum of $350.00.

Which was read.

Also,

Bill No. 1301

A Resolution entitled, "Resolution providing for the filing of a petition or petitions for the sale of

certain property or properties, acquired at tax sales in accordance with Act No. 171 of 1984, 'Second Class City Treasurer Sale and Collection Act,' effective December 11, 1984."

Which was read.

Also,

Bill No. 1306

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title One, "Administrative", Article XI, "Personnel", Chapter 192, "Pensions", Section 192.28, "Payment of Benefits", by adding a new Subsection (F) to protect pensioners from garnishment of their benefits.—**(SPONSORED BY MR. FERLO)**

Which was read.

Also,

Bill No. 1331

A Resolution entitled, "Resolution providing for an extension of the professional services agreement with Sedgwick James for the administration of the City's Workers' Compensation Program for a period of three months beginning January 1, 1995, and ending March 31, 1995 and providing for the payment of the cost thereof, at a cost not to exceed One Hundred Seventy Five Thousand Dollars ($175,000.00), chargeable to and payable from Code Account 44, Workers' Compensation, Index Code 004408, Department of Finance.—(AS AMENDED)

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

I would like my comments brought forward on Bill 1331, which was amended, fortunately, on the extension of a contract with Sedgwick James; I voted "no" last week, I will continue to vote "no". Every year this is a substantial contract and upwards of 7, $800,000.00 a year; it is a waste of money, they are nothing more than glorified bookkeepers, they have not administered the compensation contract adequately to the concerns that this Council has raised repeatedly. I appreciate the fact that we are going through a new process, but before we give approval in the future to any extension or renew and new contract, I would hope that this Council will insist that we be a part of writing the scope of services for any future contract for claims administrations.

So, I respectfully voted "no", and I will be voting "no" again on Bill 1331.

(REMARKS -- SEE ADDENDUM)

The Chair:

Mr. Cusick.

Mr. Cusick:

Mr. President, I would like my comments to be brought forward on 1331.

(REMARKS -- SEE ADDENDUM)

The Chair:

Thank you.

The bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Ms. O'Connor
Mr. Cusick	Mr. Onorato
Mr. Hertzberg	Mr. Ricciardi
Ms. McDonald	

AYES 7 NOES none

(MR. FERLO, PRES'T, VOTING NO)

The bill having received the legally required number of votes passed finally.

MR. RICCIARDI PRESENTED

Bill No. 1384

Report of the Committee on Public Works for November 30, 1994, transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 1303

A Resolution entitled, "Resolution vacating a portion of Fontella Street (Ridge-Reedsdale), Devers Way (Fontella-Sproat), Sproat Way (Ridge-S. Line Wolfendale), Sproat Way (N. Line Boyce-Reedsdale), Wolfendale Street (Sproat-W. Line Walker) and Boyce Street (E. Line Sproat Way-155'± E.) in the 21st Ward, 6th Council District of the City of Pittsburgh."

Which was read.

Also,

Bill No. 1307

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Six "Conduct", Article I, "Regulated Rights and Actions", Chapter 601, "Public Order", Section 601.14, "Violation & Penalty", Chapter 609, "Weeds and Grass", Section 609.07, "Violation & Penalty" and Chapter 619, "Refuse Collection and Recycling", Section 619.14, "Violation and Penalty" by increasing fines for certain violations of the City Code."—**(SPONSORED BY MR. FERLO)**

Which was read.

Also,

Bill No. 1308

A Resolution entitled, "Resolution authorizing and directing the Chief of BBI to identify illegal dumping sites and authorizing and directing the Director, Department of Public Works to manufacture and install signage at the identified dumping sites advertising the availability of rewards pursuant to Section 601.15 of the City Code.—**(SPONSORED BY MR. FERLO)**

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills? Councilman Ricciardi.

Mr. Ricciardi:

Thank you, Mr. President, colleagues. Bill 1303, which is the vacation of several streets on the North Side shows that the Department of Public Works and this body is willing to work with businesses throughout the City of Pittsburgh to help them, number one, grow and flourish and stay within the City. There has been no objections from any residents and/or community groups, but because of this vacation this business is going to be able to expand, hopefully hire new employees, stay in the City of Pittsburgh and continue to pay taxes, and I think this is the strong pro-business types of legislation that we need in this Chambers, at the same time, protecting the quality and the integrity and the character of our neighborhoods.

The Chair:

Thank you, Mr. Ricciardi. Other comments?

Presuming passage of Bill 1307, which we submitted earlier last week, this would require the Administration to not only identify illegal dumping sites around the City, unfortunately, of which we have a significant number, it would require two proper signs, one being the actual listing of the penalty and fine, but equally as important, there would be signage listing specifically the reward system, up to $1,000.00, that is available for individuals and adjoining property owners and neighbors that do take the time to get involved and assist us, Council, the BBI, Building Inspection, Environmental Services, the Mayor's Complaint Center, in helping to identify and prosecute individuals involved in illegal dumping.

I want to thank my colleagues for support of that legislation. The companion bill does give the City Court Magistrates additional power to levy fines, especially for absentee landlords, who own six or more units, who repeatedly have problems with garbage left out or not cleaned up after the City pickup, other kinds of lack of attention, to cutting of weeds and bushes, things that basically

upset the adjoining property owners and help to contribute to a deterioration of the neighborhood residential areas.

So, I want to thank Council for support of those pieces of legislation.

Any other comments? Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. O'Connor
Mr. Cusick	Mr. Onorato
Mr. Hertzberg	Mr. Ricciardi
Ms. McDonald	Mr. Ferlo
	(Pres't)

AYES 8 NOES none

The bills having received the legally required number of votes are passed finally.

MR. FERLO PRESENTED

Bill No. 1385

Report of the Committee on Planning, Housing & Development for November 30, 1994, transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 1305

A Resolution entitled, "Resolution approving execution of a Contract for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and MRRC Development Associates for the sale of parcels 10, 11A and 12 in the Twenty-Fourth Ward of the City of Pittsburgh in Redevelopment Area No. 45 (Residential Construction)."

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. O'Connor
Mr. Cusick	Mr. Onorato
Mr. Hertzberg	Mr. Ricciardi
Ms. McDonald	Mr. Ferlo
	(Pres't)

AYES 8 NOES none

The bill having received the legally required number of votes passed finally.

MR. COHEN PRESENTED

Bill No. 1386

Report of the Committee on Public Safety for November 30, 1994, transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 1304

A Resolution entitled, "Resolution amending Resolution No. 352 approved May 19, 1994, as amended by Resolution No. 469 approved June 28, 1994, entitled, 'Resolution providing for an Agreement or Agreements with organizations for operational/administrative expenses, maintenance, purchase of equipment; and/or minor rehabilitation of neighborhood facilities for the benefit of the residents of the City of Pittsburgh,' by changing the Grant Recipient from "Charles St. & Surrounding Area Block Watch to Upper Knoxville Block Watch."---**(SPONSORED BY MR. RICCIARDI)**

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill? Councilman Ricciardi.

Mr. Ricciardi:

Thank you. Mr. President and colleagues, thank you for your initial support of Bill 1304, which is strictly a name change of one of our Block Watches here in the City of Pittsburgh, in this case, the 30th Ward in Knoxville. The name change is going from Charles Street and Surrounding Area Block Watch to the Upper Knoxville Block Watch; it is the same neighborhood, the same streets, same leadership, just a name change; as a matter of fact, there was a going away party for one of the organizers, which was Dorothy Douglas, who is going to take a leave from the Block Watch. A resolution was given at the Block Watch sponsored by Mr. Cohen and myself.

Again, it is just a name change, the same funding mechanism, and I thank you for your support.

The Chair:

Thank you, Mr. Ricciardi.

The bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. O'Connor
Mr. Cusick	Mr. Onorato
Mr. Hertzberg	Mr. Ricciardi
Ms. McDonald	Mr. Ferlo (Pres't)
AYES 8	NOES none

The bill having received the legally required number of votes passed finally.

MOTIONS AND RESOLUTIONS

The Chair:

Under Motions and Resolutions, Councilman Onorato.

Mr. Onorato:

Just one point, Mr. President, that I thought it was important that I bring up here. Two days ago, I think it was, the Mayor had an announcement about the Development Fund, and that evening one of the local TV stations led a story off about a North Side development, a proposed Giant Eagle, out off of Ivory Avenue, off 279 on a 16 plus acre site, and the story sort of had a tilt that we were anti-development and they also made it a racial issue.

I just want to clarify what is going on there for the people that might be watching.

There was a Giant Eagle proposed for this site. This site has been historically and always been residential; there is no commercial even near it. I tried to explain to that reporter that over the last 15 years an optical company tried to move in there, it was fought and denied, a hotel development, it was fought and denied; Giant Eagle was the most recent. Well, what the residents and what we have been trying to do is develop the 16 plus acre as a residential area. This has the potential to have over 200 plus homes, town homes put on there, and that is exactly what we are trying to do. I am constantly in meetings with the owner of the property and the developer that he hired. This will be developed.

I think what people have to understand is, because you do not accept one type of development does not mean that we are anti-development. The City, as the Mayor says, we're open for business, but I think we still reserve the right for what type of business we are going to do and control the growth within the City.

There was, I think, two months, a half a mile down the road from this site in Ross Township, there was a Walmart denied by the people of Ross Township because there was just too much in that area.

The real reason that the Giant site was opposed by the residents were, one, traffic. Right now, what happened with the opening of 279 several years ago, the intersection of Ivory Avenue and Evergreen became a major shortcut for the North Hills suburbs. We have had at least 20 accidents over the last three years at this intersection, or within a mile of this intersection. We are currently trying to put up blinking lights just to allow people to come out of their streets and their driveways because the traffic is so bad. These are legitimate concerns that have to be addressed.

And, hopefully, if we can put in a 200 unit town home, or a single family, a smaller version of a single family development, that we will not only have Wage Taxes back in the City, but we would also have the Real estate Taxes that go with it.

The one other point that was not pointed out in this particular coverage of this story was that the Giant Eagle also consisted of out-parcels with the videos, the pharmacies and other stores that currently lie on Perrysville Avenue in the City of Pittsburgh, which is a business district, it would probably be boarded up within a year if this opened up. It also would affect the Shop-N-Save, which is on Spring Garden in the City, which is less than a mile away, it would probably close.

And, the issue of North View Heights, which came out of nowhere in this article. Councilman O'Connor and Councilman Ferlo, you have been active for years up there before I even sat here helping to develop even a shuttle system to get people to the Giant Eagle.

So, in no way are we trying to keep people away, we are actually trying to reach out and get people to the stores. Unfortunately, that came up, it is not an issue. We are pro-growth, and something will happen on that property but it will happen with cooperation of the neighborhood and it will be something that complements the neighborhood, not something that is just a knee jerk reaction.

And, I just want to end by saying, Giant Eagle representatives have been very up front, they have been very good with the process, they came out to the neighborhood, had the meetings, they did everything I asked them to do, unfortunately, it is not right for this particular site, and we will continue to work with them and with the owner of the property.

The Chair:

Thank you, Mr. Onorato. And, I think you also mentioned to me yesterday that you will continue to help to chair a process by which the developer currently who is interested in the property would actually possibly be retained as a developer for residential housing.

Mr. Onorato:

Yes. As a matter of fact, yesterday morning the owner and the developer were in my office and we were going over those issues and we will continue this meet so that something does happen with the property.

The Chair:

Thank you very much. Other comments?

I would like to ask that my comments on behalf of Council formally yesterday in relation to the untimely passing of our colleague be submitted as part of the record.

And, for the public, I know many are interested in knowing, the family would like to announce that the visitation of Councilman Smith will be tomorrow, Thursday, only, December 8, 1994, from 2 p.m. till 9 p.m., at the White Memorial Chapel, at 7204 Thomas Boulevard. That is in Point Breeze. And, also, that the services will be held on Friday, December 9th, this coming Friday, at 11 a.m., at the Holy Cross Episcopal Church, at 7507 Kelly Street in Homewood.

Again, visitation for Councilman Smith will be tomorrow, Thursday, only, December 8, 2:00 till 9 p.m., at White Memorial Chapel in Point Breeze, and the formal church service will be this Friday, 11 a.m., at the Holy Cross Episcopal Church, 7507 Kelly Street. Thank you. Thank you very much.

Other comments? At this time we will formally close this meeting. We will move, after a 15-minute recess to have the Standing Committee Meeting. We do need a formal motion to approve the Minutes.

MR. HERTZBERG moved to approve the Minutes of Tuesday, November 29, 1994.

MR. COHEN seconded the motion.

Which motion prevailed.

And on the motion of **MR. ONORATO**

Council adjourned.

(BEGINNING - MR. COHEN'S COMMENTS ON BILL NO. 1299, WEDNESDAY, NOVEMBER 30, 1994)

Mr. Cohen:

I think we have to make it clear what is going on here with this bill and Director you did that in your opening statement. We are borrowing money to pay operating costs and we are going to have to continue borrowing to make up our payroll. One or two borrowings a year for capital costs depending on what your capital needs are to buy cars, machinery, bricks and mortar but this is actually to pay our operating costs. If put in terms of home and home needs, that is not borrowing money to buy a new cars this is borrowing money to put food on the table. That is a serious and potentially dangerous thing so I guess what I'd like to address Director is how can this be done in 1995 which means borrowing money to meet the payroll? We are now in the middle of budget hearings, do you feel that the 1995 budget has been tailored made plus the cost cutting measures are such that by the end of 1995 we wouldn't be in the same position to make up our payroll?

Mr. Hennigan:

You have made several very good points and the analogy with regard to the household. The difference between a typical household and our government is that most households receive a paycheck either biweekly or every month which precludes the need to do this kind of a borrowing. The state acknowledges that local governments such as municipalities and school districts receive revenues not necessarily on a biweekly basis or a monthly basis but according to whatever plan has been enacted, so with that recognition they have created this mechanism for local governments to get through what are cash flow times and that is reason why a TRAN is borrowed and paid back within the same fiscal year.

Specifically as it relates to the City --

Mr. Cohen:

Excuse me, but a TRAN is a Tax Revenue Anticipation Note. We've been using that term a lot and some people watching may not know what that means.

Mr. Hennigan:

Tax and Revenue Anticipation Note and as the words imply, it's anticipation of revenue so what we're doing with banks and the way you structure these kinds of things is you pledge those revenues coming in and we have earmarked exactly which revenues are coming in, when they come in and when we'll be able to pay

that back. And specifically out of the cash flow situation that we're in January that relate to the budget, as we all know this is the fourth year now in a row that we have had a gap based deficit and eventually gap based deficits catch up to your cash position. Each year the City has found itself in December in a tight cash situation and that is no different this year than the past four years and that leads right into January. So that tight cash position carries over from December into January and we have the typical operations in January that need to be funded. The goal of the Administration was that we would present and jointly adopt a balanced budget, so the idea in 1995 is that we begin to reverse the trend that has occurred in the past four years. We may find ourselves in a tight cash flow position next December and January because just as it took four years to get into the situation that we are now, it's going to take probably as long to get out of that situation so we will be at a point in January where we won't have the need to do a short-term borrowing. But the goal for 1995 was that together we would pass a balanced budget to begin to reverse that trend that has occurred in the past four years.

Mr. Cohen:

Director, one of the problems of borrowing is that the more you accumulate debt the greater your interest payments are and that becomes a greater part of the budget so it is a vicious cycle where you're trying to achieve a balanced budget by borrowing and then the borrowing amount, the interest increases. I believe that Mr. Miranda a while ago talked about the reform of the debt service as a percentage of the budget. I think we were trying to keep that around 12 percent. What does this do to that?

Mr. Hennigan:

Tax and Revenue Anticipation Notes do not fall into the category of debt service because it's short term for operating purposes borrowed and paid back within the same fiscal year. This will not have any effect on the line item in the budget that is known as debt service. Therefore it has no effect on our rating and it has no effect on our financial statements.

Mr. Cohen:

It does have a short term effect.

Mr. Hennigan:

You and I know the short term effect.

Mr. Cohen:

It is a paperwork answer. What is your opinion in the short term as to how this hurts our standing when it comes to debt service?

Mr. Hennigan:

When we pay back the $25 million we will pay $25 million plus the interest rate that is applied to that. So we're paying money to borrow money and it will cost us to do that.

Mr. Cohen:

That is 6.05 percent. That is a variable rate but if we do it under this operating rate for 30 days then are we locked in just for that 30 day period of time?

(AT THIS POINT, MS. KRIEBEL RESUMED STENOTYPING THE MEETING)

(CONTINUED ON NEXT PAGE WITH NO LOSS OF CONTEXT)

MARY ANNE HRUSKA
STENOTYPE REPORTER

(MR. FERLO'S COMMENTS ON BILL NO. 1159)
(Wednesday, November 9, 1994)

Mr. Ferlo:

I am going to vote in favor of this resolution. As I stated at the post agenda meeting, I think we need to move ahead. However, I support many of the criticisms of the project. I think Senator Wagner in particular brought out a lot of issues that he has been attempting to address to the planning committees over the last several years, and I think they are major issues. I really fundamentally disagree with the bridge being set down at the Market Street location. It is not the best location. I still firmly believe that the Grant Street location should be considered. A large percentage of that traffic coming out of the Wabash Tunnel is not intending to go Downtown; it is to go eastward, either through Bigelow and Baum Boulevard or out through the Boulevard of the Allies to the Oakland corridor. We are taking a tremendous amount of traffic, both the vehicles, as well as the buses, and they are going to dead-end at Market Street coming across the river. It is just crazy. It makes no sense. And because of the urgency with the Fort Pitt Bridge closing, we are rushing to judgment and not using our best judgment as to where this bridge crossing should actually set down on the Downtown central business district side.

Secondly, the curve, the Kennywood loop, whatever you want to call it, that comes out of the Wabash, I still think is fundamentally design flawed. It has at least seven curves roughly at 360 degree circle. It is a 7 percent grade, in addition to a little bit of a grade coming through the tunnel. It is going to be unsafe, there are going to be accidents. People are not going to drive 15 or 20 miles an hour. For every reason, design, safety, the traffic flow to the Downtown, the present project is not construed properly. I am going to reserve my vote on the actual cooperation agreement, which you say will come to us several months from now or a few months from now. I am hoping between now and the time of the actual cooperation agreement through the committee of Council -- we also asked Senator Wagner to participate -- we can see whether or not we can possibly modify this proposal.

Mr. Reginella:

I share your concerns, as do other members of

Council, obviously.

With regard to Grant Street as an example as the potential touch-down point, please bear in mind that on Grant Street we have three ramps connected to the Parkway; we have the on ramp going east on Parkway, we have the on ramp going west and we have the off ramp coming from east to Grant Street. In addition to that you have Fort Pitt Boulevard east and west bound also making connection at Grant Street at that particular point. So that is five points of contact with Grant Street at that location. To bring in a new bridge is mind boggling to me, quite frankly. Another complexity that crops up into the picture, the present elevated ramp to the Parkway East would have to be raised above its present elevation in order to allow the new bridge to come in. It is just a whole number of things.

Mr. Ferlo:

My point that is in the aggregate. That is a commitment fee which, as President Ferlo recognized, is not in the resolution. That will be the one amendment that we will have to make.

(MR. COHEN'S CONTINUED COMMENTS BILL NO. 1299)
(Wednesday, November 30, 1994)

Mr. Cohen:

So then at the end of that 30 day period, the rate could be anywhere between 6.05 percent and 12 percent, right? It won't go above.

Ms. Jad:

It could be lower.

Mr. Cohen:

It could be lower, as well, yes, of course. That is not currently the trend though, I don't think. I am no expert in this.

Mr. Harrington:

It is not.

Mr. Cohen:

When I keep hearing about the fed increasing the interest rate, that is not the trend. So isn't it a risk that we are taking in going with the 30 day rate, a risk that the rate is not going to increase higher than we expect down the road? In other words, we can take a 60 day or 120 day rate which is somewhat higher. I assume we are expecting the actual rate to be less than what the 60 or 120 rate of the LIBOR is now?

Mr. Harrington:

That is correct. You have summarized it correctly. We are assuming that the 30 day rate will remain lower over the term of this financing than one, say, 60, 90 or 120 day rate established.

Mr. Cohen:

You make that analysis based on your --

Mr. Harrington:

Based on the historical relationship between 30 day rates and, say, 60 and 90 and 120 day rates for LIBOR.

Mr. Cohen:

Do you remember what the 60 and 120 day rates are?

Mr. Harrington:

The spread is probably an additional quarter of a percent, roughly, so instead of, say, six and a quarter for 60 days, six and a half for 90 days, something along those lines.

Mr. Cohen:

So we are taking a risk that the banks will not increase their prime or that London won't increase its rate by a quarter of a percent over the next 60 days.

Mr. Harrington:

That is one of the considerations. The other is that the city does have the flexibility to pay the thing back sooner if they have sufficient cash to do so. If you lock into longer term rates, you may wind up paying, in effect, for having locked a rate, a longer term rate than you actually need the funds. Do you see what I mean by that by that?

Mr. Cohen:

Yes. Last question is -- again, I am no expert -- but my understanding of a tax revenue anticipation note is it is a fairly routine note, a little bit like a GO bond; it is not that complex. Yet, we are doing this as a negotiated as opposed to a competitive. Can you tell me why? I assume it is because we are doing it with these banks. Can you explain why?

Mr. Hennigan:

That is correct. There were two options; one was to do a public offering or the other was to negotiate. We chose to negotiate this with three banks in Pittsburgh because of the relationship that we have developed with the three banks and also the flexibility that this provides. This is a 12 month line of credit. If we were doing a public offering, there would be a pay-back date and that would be it. When the pay-back date came, we would have no opportunity to negotiate further or to carry it out further into the year. So we would have to do a whole other transaction if we found

ourselves in a situation where we needed extended.

Mr. Cohen:

Do we have a legal option to extend the loan pay-back date?

Mr. Hennigan:

The way the transaction is being structured, it is a line of credit, so it is a 12 month line of credit.

Mr. Cohen:

The May pay-back is our self-imposed deadline? We actually don't have to pay it back until the end of 1995?

Mr. Hennigan:

It is a deadline that we have agreed on with the banks to pay back. In order for them to feel comfortable with this, we have to go through a whole series of schedules that show when our cash flow is. We chose the May 3rd date because we can clearly show to the banks that that is the position where the city will be when we are in a best position to pay it back. They would not have been comfortable with us saying, "We will do a 12 month line of credit and we will pay it back when we get to it. Maybe that will be December." They are just not comfortable with those kinds of arrangements. So they worked with us, went through all of the analyses and showed that May 3rd is a good time for us to pay this back. It is in our best interest to pay it back.

Mr. Cohen:

Of course it is. I hope and pray that we can. But it goes beyond that. It is not as if they call in the loan. We have a higher cost at that point with the bank; right?

Mr. Hennigan:

We would have a higher cost with regard to the call features.

Do you wish to address that?

Ms. Jad:

It is anticipated right now by both the banks and the city, and the documents reflect that anticipation, that the city will be in a position by May 3rd to pay back the line of credit.

Mr. Cohen:

Maybe I am dense here, but I don't understand. We are calling it a 12 month line of credit, and yet, we have to pay it back in five months. That is what I don't understand.

Mr. Harrington:

It can be extended at the banks. With the consent of the banks, it can be extended under its existing terms.

Mr. Cohen:

And then we would have to pay a higher rate?

Ms. Jad:

No.

Mr. Cohen:

So what is the cost to us? Obviously, we want to pay it as early as possible, but what is the cost to us to paying it back later?

Ms. Jad:

The cost would be the additional interest over that period of time.

Mr. Cohen:

There is no increased cost?

Ms. Jad:

No.

Mr. Hennigan:

No. The transaction was structured so that we would pay these one-time costs, but have the ability to borrow for all 12 months. Whereas if we did the public

offering, we would pay it back and if we found ourselves in a position within that 12 month period where we wanted to extend it, we couldn't extend it with a public offering. We would have to go through a whole new transaction, all of those costs again.

Mr. Cohen:

I understand.

(END OF REMARKS.)
Transcribed by: Helen L. Kriebel
Stenotype Reporter

(MESSRS. CUSICK & FERLO'S COMMENTS BILL NO. 1331)
(Wednesday, November 30, 1994)

Mr. Cusick:

Mr. Chairman, if we were going out on the same type of contract, what would be the yearly rate for Sedwick James? It seems much higher.

Mr. Hennigan:

The contract amount is 750,000, 150,000 of which is for legal services.

Mr. Cusick:

We pay Sedwick James legal services?

Mr. Hennigan:

We pay them the full amount of the contract and then they pay the legal services. There is a subcontractor with Sedwick James; is that correct?

Ms. Pomper:

Right, with a firm here in town

Mr. Cusick:

Tell me something. If you do get out of this within 60 days after entering into this agreement, I guess what I am asking you, would there be some return to the city?

Mr. Hennigan:

Actually the way in which they are billing for services, they bill monthly. We receive a monthly invoice, and so we pay monthly. That is the way we would structure the out clause; it would be at the end of a given month.

(Deleted text.)

Mr. Hennigan:

Just one thing, one point I would like to make.

The city needs to accept responsibility for the failure of our workers' compensation program. We are acknowledging that. We need to improve it and we will

improve it. It is not fair to place all of the blame for our problem on this company. So I wish to make the statement that we need to accept responsibility for that relationship that existed in the past, which I certainly am not able to comment on. But what I will tell you is as a result of the Mayor's task force and incredible learning that has taken place in the past six months, we feel very strongly and confidently that in the next couple of years you will see a dramatic decreases in our cost of workers' compensation. We will manage the program.

Mr. O'Connor:

I agree that it is probably unfair to blame this company, but he is 10 percent or 20 percent of the problem for not reacting. But we can't change all the workers and all the old rules and the old administration who for years let them get away with it.

Mr. Ferlo:

I beg to differ with you a little bit. I have been here the longest. I have never voted for the company; it is a terrible company, we should never have hired them. They don't do a good job and we have wasted a lot of money with them, and I don't know why, but we have done it. I have never voted for them. I am not voting for this today. That is first of all.

Secondly, Deputy Mayor Sirabella said he would share the report that you mentioned which was a good work product coming out of the private sector task force that you had. I don't know that we are in receipt of that booklet yet, but I think it would be helpful, especially in light that you will be coming back probably in January asking us for authorization to let out a contract to enter into professional services with whomever. So it would be helpful if we could get that information, because I think unlike what happened in the past, I think this time this Council, unlike past councils, will want to have more input on the actual RFP and the scope of services. So we really need that report to try to educate ourselves, since we were not in the loop on this whole review of the workers' comp situation.

Mr. Hennigan:

We will be happy to provide that report to you. It is about this thick (indicating).

Mr. Ferlo:

I understand that, but I am sure it has an executive summary, also.

Mr. Hennigan:

In addition to providing the report, we will be happy to brief you on that.

Mr. Ferlo:

Okay.

Now, the original contract -- and I want to be clear on this extension here -- the legal counsel contract was separate and distinct from the claims administration contract. Is that still the case under this continuation?

Ms. Pomper:

The legal contract --

Mr. Ferlo:

The administration always held back and reserved the right to hire their own legal counsel independent of the claims administration, each though it was for workers' compensation.

Ms. Pomper:

That is my understanding.

Mr. Ferlo:

So that will continue?

Ms. Pomper:

During this extension.

Mr. Ferlo:

One of the other problems I have with the Sedwick James contract, an important part where I think they failed in the past was on the medical audit, I don't know if I am using the right term, but this is the company that actually checks the Blue Cross Blue Shield bills or the Health America bills.

Mr. O'Connor:

Wasn't that another company we hired on top of that?

Mr. Ferlo:

No. It was a company that this company hired as a subcontractor. In fact, I think they legally sued each other at one point because they weren't paying each other for the services rendered.

That is why as the Director states, when this comes back to the table, we should have more input on what this contract will look like in the future, not only the investigation component, the claims administration component, but also the medical billing audit, maybe there is an industry term you are supposed to use, but I think you know what I am talking about, who audits that.

I want to understand the thinking of this task force. Is it better to have it be somebody independent and who has a material incentive to check the claims, or is it better to have the claims administrator subcontract where I am not sure there is that incentive? So somebody needs to educate us on what the experience is and what this contract might look like in the future, as opposed to in the past.

Mr. Hennigan:

Very good point. We will do that with you. As a matter of fact, we will schedule time with all of you in the beginning of January.

Mr. Ferlo:

Could you also provide us with a list of either local or regional, whomever, national companies that would likely bid on this, as opposed to Sedwick James?

Mr. Hennigan:

Yes.

Mr. Ferlo:

Past administrations have said that only Volpe company or Rogal and Sedwick James are the only two people, which I always had a hard time believing there were only two firms that did this work.

Mr. Hennigan:

There are definitely more than two. We heard from all of them.

Mr. Ferlo:

You would have never known it from past debates around this Council.

I think we need to get that report. I think we need a whole separate meeting, as Mr. O'Connor alerts us obviously for the money situation, on this whole issue of what this bid is going to look like, what this contract is going to be constructed to look like in the future.

(Deleted text.)

Mr. Cusick:

If I may, I would like to ask you, the new RFP for the new contract that we would enter into if this was approved today, that would be based on the new negotiations that are currently going on; is that correct?

Mr. Hennigan:

Well, there are aspects of the negotiations right now that affect the way in which we manage workers' compensation. So that is kind of going on its own track.

What we are doing is independent of the negotiations, we are bringing the union leaders together at the request of the Mayor and the Solicitor to talk about how we as a group can work to reform our program. So there are two things.

Mr. Cusick:

Are we preparing right now the RFP?

Mr. Hennigan:

Yes.

Mr. Cusick:

Why are we asking for six months? Why couldn't this be done in three months, if we were to amend the

bill today for three months at $175,000.00 instead of the six months you're asking for?

Ms. Pomper:

We might not spend all 350, but realistically, we would like to have the RFP out on the streets by the end of January, February 1st. To be fair, we really need to give these organizations at least two months to prepare an adequate response.

Mr. Onorato:

Excuse me, Councilman. I am not sure I heard an answer to your question.

He said what if he amend it an cuts it in half. What would this do?

Ms. Pomper:

We might need to be here in February asking for another three months.

Mr. Onorato:

Good. We don't care.

Mr. Cusick:

I think what I am trying to say here is we went around the table, and I think the Administration agrees that we've had a program in place for so long that hasn't worked. Here we are asking for a -- more than a quarter of a million more dollars to continue this program. I think it is the responsibility of this Council and for this Administration that we move along with this as quickly as possible. Now, if that forces us into a three month period to do this, then so be it. At least this Council is responsible enough when you come back next time, you will be able to tell us where you are.

You may be six months away and this may be something that is not working out for all of us.

So I would like to offer an amendment at this time, Mr. Chairman, changing the period from six months to three months and changing the cost from 350 to $175,000.00.

Mr. Ferlo:

Second.

Mr. Cusick:

Mr. Chairman, I don't know where that would put us, but I would also ask that the clause be a 30 day clause instead of the 60 day clause.

Mr. Onorato:

Discussion on that motion. Director, if we do that, other than requiring you to come to the table one more time, does it do anything with the operation of what we are trying to do? Does it hurt the operation? I don't see any.

Mr. Hennigan:

It will not hurt the operation. I think I can tell with you a degree of confidence right now that we will not be prepared at the end of March, March 31st, to fully implement our new program for April 1st. But what I will be able to do on March 31st is tell you more than what I am going to tell you in January, which is how we are structuring the RFP, exactly where we are in the process.

So I understand the intent of the amendment, I have no problem with that. But I would be seriously misleading you right now if I told you that with confidence I thought we could fully implement a new program by March 31st.

Mr. Onorato:

On the amendment. Councilman Ferlo?

Mr. Ferlo:

I support the amendment, I thank Mr. Cusick for bringing it up. But there is some information that was conveyed earlier about just the process of paying the claims, which you know, you can have questions about.

But isn't it true that even though Sedwick James actually prepares and cuts the check, that the Controller's office also goes back and almost performs the same function, isn't that the case?

Mr. Hennigan:

Yes. Do you want to respond?

Mr. Ferlo:

Is that whole issue of the processing going to be included in the preview of the RFP process?

Mr. Hennigan:

Absolutely.

Mr. Ferlo:

While protecting the Controller in terms of the Home Rule Charter provisions?

Mr. Hennigan:

Absolutely. With regard to the 30 day out clause, we would definitely need to check with the provider. There would be a transition period there, and I am not entirely sure --

Mr. Ferlo:

If I could speak to Mr. Cusick, I think we should have the amount and have a time period so at least they come back and we can go over this discussion again.

I think the clause issue, I don't support the clause issue because I think there is a turn around time just in terms of operating the contract with somebody new.

Mr. Cusick:

I really didn't know whether or not that would even work, if that was something Sedwick James would even, I guess, accept as part of this deal.

Mr. Hennigan:

I know they accepted 60 days.

Mr. Cusick:

If you wanted an out, that time would have to be reduced because of the amount of time we are reducing from the entire agreement.

Mr. Hennigan:

The out clauses would be purely transitional.

Mr. O'Connor:

Would it be safer to give it with a 30 day out clause, be just the same, that is guaranteeing you getting it done sooner? If it is done in two and a half months, then within 30 days you are out?

Mr. Hennigan:

This we need to talk with the company. We need to see how long of a transition period would be required. It seems to me 30 days would be a short period of time to do the kind of transition that would be necessary.

Mr. Cusick:

I really believe in doing this, I know the Administration wants to see this all change. My hope is that this will move in a more expedient manner than it has in the past.

Mr. Hennigan:

We share that exact goal. Our intention is to get this to happening as quickly as possible.

Mr. Ferlo:

Can we get a clarification of the amendment? The amendment, then, is just having the time period and having the amount? The worst that would happen is the Administration will come back sometime in late March and we re-appeal to this Council for a continuation of the contract.

Mr. Cusick:

And the cost is reduced from 350 to 175.

(END OF REMARKS.)
Transcribed by: Helen L. Kriebel
Stenotype Reporter



C I T Y O F P I T T S B U R G H

JIM FERL
MEMBER OF CITY COUNC

Tuesday, December 6, 1994

"Our city is saddened this morning upon learning of the death of Councilman Christopher Smith, the elected representative from District 6, who died at approximately 9:20 p.m. last night at West Penn Hospital from an inflammation of the brain, medically referred to as viral encephalitis.

With the assistance of his loving family, Christopher Smith had been waging a personal battle to re-gain his health, but tragically, outstanding courage and commitment, two of his many attributes, were not enough to sustain him.

My colleagues and I offer our deepest and heartfelt sympathies to all of Chris's family members, especially his mom and dad, Mr. and Mrs. Hubert Smith, and his brother, James. They have lost a loving son and brother. We have lost a close friend and colleague. Our city , and Council District 6 in particular, has lost a progressive and eloquent voice in local government. Councilman Smith's constituents can be proud of his accomplishments on their behalf. He was focused, articulate and effective when it came to representing the concerns of the people he was elected to serve. In addition to his Council duties, Chris was an active member of the city's development authority. Councilman Smith was an extremely effective leader on behalf of Pittsburgh's African-American community. He will be missed by all who had the good fortune of his friendship, counsel and grace.

We ask that all residents remember Councilman Smith in their thought and deed today as a remembrance of his life's work to better our city. All formal Council meetings have been canceled for today. Funeral arrangements are being made and will be announced later today."

Room 510 City-County Building Pittsburgh, Pa. 15219 (412) 255-2140 FAX: 255-2821

MUNICIPAL RECORD

Proceedings of the Council of the City of Pittsburgh

VOL. CXXVIII *December 13, 1994* *No. 47*

Municipal Record

ONE-HUNDRED TWENTY-EIGHTH COUNCIL

JIM FERLO.....President
LINDA M. JOHNSON-WASLER.....City Clerk
KURT J. SALAC.....Asst. City Clerk

Pittsburgh, PA
Tuesday, December 13, 1994

PRESENT:

Mr. Cohen	**Mr. O'Connor**
Mr. Cusick	**Mr. Onorato**
Mr. Hertzberg	**Mr. Ricciardi**
Ms. McDonald	**Mr. Ferlo (Pres't)**

The Chair:

Good morning, everyone. City Council's Legislative Session will now come to order. We have a quorum.

Would you all please rise for the Pledge of Allegiance and would you please remain standing for a moment of silent prayer so that we may have peace throughout the world.

We are very pleased to have a young lady here today, LeAnna Wright; she is actually the daughter of Pamela Wright, who is a City Detective on the police force. LeAnna is age 10; she goes to Manchester Elementary School. She is a 5th Grader. We wish her a happy holiday. And, she is going to lead us in the Pledge of Allegiance. LeAnna.

LeAnna Wright:

I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with Liberty and Justice for all.

The Chair:

Thank you. Thank you, LeAnna. Our City Clerk would like to give you our City flag and the flag of our Country.

PRESENTATIONS

The Chair:

We have a number of proclamations under the Read and Adopted. I do not know that we have any guests here this morning. I believe most of them are to be read into the record. And, at this time I will call on Mr. Onorato and Mr. Cusick, I believe, have a joint proclamation.

Mr. Onorato:

Yes. Mr. President, I think it is down at Mr. Cusick's desk.

MESSRS. CUSICK AND ONORATO PRESENT

No. 1387 WHEREAS, the Steel Valley Authority has achieved historic recognition in Western Pennsylvania in leading the charge to rebuild the manufacturing jobs base and in stopping the destruction of our industries in our communities; and,

WHEREAS, the SVA has had many successes in retaining businesses and supporting many of the worker buyouts and ESOP's affiliated with Organized Labor through the Southwest Early Warning Network (SEWN); and,

WHEREAS, the City of Pittsburgh helped to charter the SVA in cooperation with eleven sister municipalities in the Mon Valley; and,

WHEREAS, the SVA is working with a broad labor-public-private alliance to form the SVA Regional Jobs Corporation and the Industrial Valleys Investment Corporation, a planned $20 million small business investment fund to support manufacturing jobs, and to make available flexible capital for established manufacturing concerns in the City of Pittsburgh and Western Pennsylvania; and,

WHEREAS, this Investment Fund would be the first fund targeted for jobs retention and development financed partly by labor and pension funds in the United States, and would be a model for communities nationwide; and,

WHEREAS, the SVA is organizing its First Annual Dinner on December 7 to commemorate the successes of the agency on the eve of its tenth anniversary, and to honor leaders who have contributed to the revitalization of the region.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh hereby recognizes and honors the great work of the SVA in saving and creating jobs and redeveloping industrial sites both in City neighborhoods and the region; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh congratulates the SVA in its Annual Dinner and supports the Industrial Valleys Investment Corporation as a unique regional jobs alliance which is destined to have a major impact upon this region. **SPONSORED BY COUNCILMEMBERS JOE CUSICK AND DAN ONORATO**

MR. ONORATO moved to adopt the resolution.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

The Chair:

Thank you. Councilwoman McDonald.

MS. McDONALD PRESENTS

No. 1388 WHEREAS, Lorraine Nance, a crossing guard, has dedicated 25 years to the safety and well-being of children walking to and from Belmar Elementary School in Homewood; and,

WHEREAS, regardless of the weather conditions, Lorraine has always had a kind word and warm smile for the kids, teachers and neighbors--even strangers just passing by; and,

WHEREAS, Lorraine is the loving mother of three - Arthur, Deena, and Damion, and has two adorable grandchildren, Brian and Aaron; and,

WHEREAS, upon her retirement, Lorraine will be able to travel and enjoy her family.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby join with students, faculty and friends of Belmar Elementary School in wishing Lorraine Nance good health and much happiness as she embarks on a new journey in life after many years of bringing joy and laughter to so many; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh does hereby proclaim Thursday, December 8, 1994, as Lorraine Nance Day in the City of Pittsburgh.

MS. McDONALD moved to adopt the resolution.

MR. ONORATO seconded the motion.

Which motion prevailed.

The Chair:

Thank you. Councilman Ricciardi and Councilman Cohen. I believe Mr. Ricciardi has one to be read into the record with Mr. Cohen.

Mr. Ricciardi:

Thank you, Mr. President.

The Chair:

Thank you, gentlemen.

MESSRS. RICCIARDI AND COHEN PRESENT

No. 1389 WHEREAS, the 29th Ward Carrick Block Watch was first formed on June 13, 1984 by a group of 12 people from Linnview Street with the coordinating efforts and guidance of the late Loretta Miller and Crime Prevention Officer Sam Caligerone; and,

WHEREAS, the 29th Ward Carrick Block Watch, with the continued assistance of District Justice Anna Scharding, Organizer JoAnn Herman and other executive board members, expanded from 221 members, 8 streets, 7 captains, and 26 leaders to presently over 1,500 members, 100 streets, 50 captains, 55 leaders, 2 coordinators and 2 co-coordinators; and,

WHEREAS, the 29th Ward Carrick Block Watch established community involvement and educational programs such as the Bag-a-thon Program, Zone 3 Citizens Council, Community Block Parties, Phillips Park Advisory Board, Seminars at Carlow College and University of Pittsburgh on Crime Prevention and Re-organization of Zone 7; and,

WHEREAS, the National Association of Town Watch selected the 19th Ward Carrick Block Watch as a National Night Out All-Star Award winner for their outstanding leadership and participation in the "11th Annual National Night Out" crime and drug prevention program.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh hereby congratulates the 29th Ward Carrick Block Watch for receiving a special award recognizing the area's extraordinary participation in the National Night Out 1994 campaign.

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh hereby declares Wednesday, December 7, 1994, "29th Ward Carrick Block Watch Day" in the City of Pittsburgh. **SPONSORED BY COUNCILMEMBERS GENE RICCIARDI AND DAN COHEN**

MR. RICCIARDI moved to adopt the resolution.

MR. COHEN seconded the motion.

Which motion prevailed.

The Chair:

Thank you very much. Under Presentation of Papers, Councilman Cohen, Committee on Public Safety.

Mr. Cohen:

Mr. President.

The Chair:

Thank you, Mr. Cohen.

MR. COHEN PRESENTED

No. 1390 An Ordinance amending and supplementing the Pittsburgh Code, Title Four, Public Places and Property, Article II, Communications, Chapter 425, Cable Communications to Reduce the Franchise Fee for Cable Communications Systems.—**(SPONSORED BY MR. COHEN)**

Also,

No. 1391 An Ordinance amending and supplement the Pittsburgh Code, Title Four, Public Places and Property, Article II, Communications, Chapter 425, Cable Communications, to Establish a Maximum Late Payment Fee for the Untimely Payment of Bills for Cable Television Service and Codifying Previously Adopted Customer Service Standards.—**(SPONSORED BY MR. COHEN)**

Also,

No. 1392 Resolution regarding Regulation and Rates Charged for Basic Cable Service and Related Equipment.---**(SPONSORED BY MR. COHEN)**

Which were severally read and referred to the Committee on General Services.

Also,

No. 1393 Resolution providing for an Agreement or Agreements with instructors to conduct training at the Training Academy with recruits. The cost of said services shall not exceed Twenty-Four Thousand Dollars ($24,000.00), charged to and payable from PSTA, Department of Public Safety.

Also,

No. 1394 An Ordinance amending and supplementing the Pittsburgh Code, Title Five, Traffic, Article VII, Parking, Chapter 541, General Parking Regulations and Chapter 549, Residential Parking Permit Program to authorize the Public Parking Authority of Pittsburgh to administer, supervise and enforce an efficient system of on-street parking in the City of Pittsburgh and to delete provisions regarding the administration and enforcement of the Residential Parking Permit Program by the City.

Also,

No. 1395 Resolution authorizing the Mayor and the Directors of the Department of Public Safety and General Services to Execute a Cooperation Agreement and amendments thereto with the Public Parking Authority of Pittsburgh to provide for the administration, supervision and enforcement of an efficient system of on-street parking regulation in the City of Pittsburgh.

Which were severally read and referred to the Committee on Public Safety.

MR. COHEN moved to suspend Rule 8 by providing for consideration of the bills only until or after the calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

MR. HERTZBERG seconded the motion.

The Chair:

Discussion on some of the waiving of Rule 8.

On the three cable bills, we need an explanation, maybe, from Mr. Cohen. One of the bills is specifically the bill that deals pursuant to our time constraint with the rate review and the regulation. The other two bills that you have submitted -- and I appreciate your hard work -- but the other two bills do not necessarily have a time constraint and are not tied specifically to our rate review, your proposal on the reduction of the income from the Franchise Fee and the change in the late fee.

I have no problem waiving Rule 8 to get into Committee, but I just want to clarify to my colleagues that they are separate and distinct in terms of the December 21st time constraint that we have. Secondly, too, I think a little more controversial, and I think, at least I would like additional information regarding the two bills, and even though I am going to vote to waive Rule 8, I am still going to lobby not to act on those two bills until we get some additional information. That's on that.

On the other two bills, I will respect the process and submit a petition, but I feel strongly that we need a public hearing before we act on the Cooperation Agreements with the Parking Authority, and rather than put my colleagues in the uncomfortable position of voting to conduct a public hearing, I will submit a petition and do it that way.

Mr. Cohen.

Mr. Cohen:

Thank you, Mr. President. On the Parking Authority bills, obviously those are not my bills, those are the Administration's bills, so Council's pleasure is my pleasure.

On the cable bills, you are right, that -- let me just lay it out very briefly. There are three bills, one is to respond directly to the filings that TCI has made. There are three filings. And, we will go over that tomorrow. Actually I have spoken with some of you and I would like to talk to you personally today, before tomorrow, before the meeting.

The second bill is on the late fee, which is under the service requirements of the cable rules that are handed down by the Federal Communications Commission. The third one is to reduce the Franchise Fee.

The first bill does have to have a preliminary vote tomorrow; the second bill, I think you are right on that, Mr. President, that it does not, but it really does go hand in hand. The late fee reduction does go hand in hand with the rates. So, I would ask Council to be able to make a preliminary vote tomorrow on that as well.

The third one, on the Franchise Fee reduction, that is solely an internal decision. It does not have to be made tomorrow. So, if Council wants to hold that bill tomorrow or get more information, that is fine with me.

The Chair:

But, again, I have no problem waiving Rule 8, just to move the discussion ahead, but I want to clarify to my colleagues what we statutorily must comply with by the 21st deadline, and that is, basically, one of the bills regarding the rate review.

My only concern on the -- I have major reservations about giving up the income from the Franchise Fee, I have spoken to you about that.

Mr. Cohen:

Well, let's battle that out.

The Chair:

The only other issue is on the late fee, and maybe you have this information but I have not seen it yet, I am concerned specifically about what TCI's response will be relative to raising rates under the regulatory powers for the rest of the subscribers, which I do not think would be fair for everybody who pays their bill to assume the responsibility. If some of that information is available, then I am prepared to discuss it tomorrow; if not, then that is my one reservation.

Mr. Cohen:

Let me just briefly. We have that. I appeared before the Cable Advisory Committee last night, and Shawn McGorry from TCI was there, and we had a dialogue on that. I think we have a pretty good idea of what TCI's response will be on the late fee, and I think we can make a decision on that.

The Chair:

Thank you. Mr. Hertzberg.

Mr. Hertzberg:

I just have a concern with everything else we are doing, that we have sufficient time to talk about it and fully discuss all the issues. So, maybe you will consider that tomorrow, because with all the budget discussions that we also have tomorrow, I am just concerned that we might not have sufficient time to really give this the time it needs.

The Chair:

Mr. Cohen.

Mr. Cohen:

Well, let me speak to that, if I may. On the rate aspects, we have a deadline, everybody knew we had a deadline. We have had two public hearings on that. The consultant's report came in by Federal Express on Thursday, I put it in everybody's box on Thursday. I have spoken to a couple of you and will speak to each of the rest of you personally about it. I think we have enough time to make that decision, certainly.

Mr. Hertzberg:

Yes, and we have to, I agree with you on that. It is the other two bills that maybe we should think about holding for a week. I will defer to your judgment and expertise.

Mr. Cohen:

That is fine. Thank you.

The Chair:

Well, let's waive Rule 8, at least giving the opportunity to discuss all three bills together.

Mr. Onorato.

Mr. Onorato:

Mr. President, I am just a little confused on one issue, if you could explain. I understand your position on the parking, and I respect your opinion, but what are we doing with the Parking bills; we're having a public hearing; or what did you say you were going to do?

The Chair:

I personally, and I can only speak for myself, I am very uncomfortable, or hesitant to vote on these two Cooperation Agreements

transferring, what amounts to be public policy, as it relates to Parking Tickets and patrol and the Residential Sticker Parking Program, to the Parking Authority without notifying community groups, without notifying Residential Sticker Parking Permit holders and others, who I think should have a right to express their views and concerns prior to this transfer of municipal power and service to an Authority that we have absolutely no input or control over, notwithstanding the fact that a colleague sits on it.

Mr. Onorato:

Obviously I would never try to stop a public hearing. I think people have a right to address any issue. I am only concerned now about the timing of the whole thing with the public hearing. Will that remove it then from this budget discussion?

The Chair:

I am going to argue to my colleagues that we should maintain the budget whole until the next -- at least until January, when we can have some further review. That may not be supported, in which case we may, in fact, at least in terms of budgetary wise, not support the funding in the City Operating Budget of the Parking Patrol.

See I have a major problem with taking advantage of the holiday season. It is very convenient for the Administration to have an upper hand -- and it is not directed towards this Administration, it is just in general -- when major substantive issues have been brought up, and for that to be done quickly through the budget process. At the end of the year most community organizations, merchants' groups, they are concerned about the holidays and other things that are going on, and it is an easy way to get a major change through government without everybody thinking about it or looking at it or reflecting upon it.

Mr. Ricciardi:

Can I have the floor, Mr. Chair. I would just like to make it a point of discussion. If I am not mistaken, it is possibly even in the City Charter, and that is that if residents put in a petition within three days of an introduction of a bill, that a public hearing is demanded, it is mandated before action can be taken on that bill; is that correct?

The Chair:

I do not want to have to state that, but, yes.

Mr. Ricciardi:

Well, I think that we should state it, and I am not saying the rest of my colleagues did not know that, but I thought we should state it. So, I just want to make that point of clarification or a discussion. So, if Mr. Onorato is concerned about working within this time frame, Mr. Chair, Mr. Onorato, what could happen if a petition did come in from the residents, it would put it into January. Of course, I have some concern on that also.

Mr. Onorato:

I guess the motion then. Is the bill going to be on the table tomorrow?

The Chair:

The motion on the floor right now is to waive Rule 8 on all the bills, including the three TCI bills and the two Cooperation Agreements relative to Parking.

I assume Mr. Ricciardi has his Cooperation Agreement, which is not under discussion right now, but --

Mr. Onorato:

And, so, if a petition comes in, depending on when you set the hearing, as President, this could be removed from the budget hearings altogether?

The Chair:

I think that is something we would have to review at the time. I cannot confirm or deny that at this point.

Mr. Onorato:

I know, I am just trying to -- I want to get it off the table. I do not know if we have support for this or not to transfer this over. I have not

polled the colleagues. It appears that we might. But, I would just like to know if we are even going to have a chance to vote on it. It appears that we might not have a chance to vote on the issue.

The Chair:

Well, presumably we would have a preliminary vote because we are waiving Rule 8, unless we decide to hold it tomorrow. Whether or not a petition comes in to meet the time constraint of the three days, remains to be seen.

Mr. Hertzberg.

Mr. Hertzberg:

I think if any Member of Council is requesting a public hearing, then I would defer to any Member of Council and have a public hearing, whether I agree or disagree with your position on it. So, I know that -- and your budget concerns may throw a wrench into the process, but I think we owe it to ourselves as members of this body to do that kind of thing.

Mr. Onorato:

Well, let me make it clear. I think I said that I do not want to hold up any public hearing, but this issue has been on the floor for two months now, this being transferred. The President, or any Member of this Council could have called for a public hearing two months ago on this issue, or we could have had a petition from the residents. That has not happened. And, I respect the tactical move by any member here, that is fine. This is one day before the preliminary vote on the budget, then all of a sudden we have a request possibly for a hearing, which we could have had a month ago.

If we want to talk about tactical moves and during a holiday season, why are we having a public hearing today on the sign bill when everybody is shopping and moving around. I mean I can say the same thing, too. I guess it all depends what side of the issue you are on when you are having a public hearing. All I am saying is, if the majority of this body wants to transfer this over, we should have a right to vote on it, and I do not want a public hearing to stop the vote when we could have had it two months ago.

Mr. Hertzberg:

As you focus more on issues, it becomes clearer and clearer to you. I know that some of the legislation that I have been involved in, sometimes at first blush you do not see the need for a public hearing, and as things progress and you think more about it, you realize you should have one.

I do not have any problem with a public hearing on the Parking Authority, I think we would try to have it as quick as we can and move it along.

Mr. Onorato:

Neither do I. I agree.

The Chair:

Just to clarify on the sign bill. The sign bill, actually introduced by myself and Councilman Smith, has been on the table for about four months, there has been at least two public hearings, it has been amended twice and gone back and forth to the Planning Commission. It is only up now because of the time constraint in terms of the process of how we vote on zoning bills. If colleagues still want more time to review it, I have no problem holding that bill, also, until January like I did the towing legislation because I thought colleagues wanted additional information regarding licensure and I thought it was inappropriate to try to review all these issues during the budget process. But, I respect your comments.

Mr. O'Connor.

Mr. O'Connor:

I have not decided on the Parking issue; and, in fact, I was going to call for a post agenda but I understand the Mayor, the Administration is going to have a full program tomorrow to explain it to us. So, I would like to consider holding that and see where they are coming from and then make a decision.

The Chair:

The motion on the floor right now is to waive Rule 8 and proceed full speed ahead, and hopefully the Administration will come, as I am sure they will, tomorrow, and make a formal

presentation. It may resolve some of the issues, in which case we can move along, or it may not.

Mr. O'Connor:

Because the information isn't nearly as clear as the water and employees, there's a lot of concern on my part so far, but I will give them their day in court tomorrow to see how far it has gone and how they plan on doing this.

The Chair:

All in favor of the motion to waive Rule 8 on all these bills?

WHICH MOTION PREVAILED.

The Chair:

The motion carries. All the bills will be forwarded for a discussion.

Also,

No. 1396 Resolution amending Resolution No. 911, effective September 11, 1992, entitled, "Resolution authorizing and directing the Mayor to enter into an Agreement or Agreements for drug treatment services in connection with the City's Operation Weed and Seed Program, in a total amount not to exceed $143,000."

Which was read and referred to the Committee on Public Safety.

MR. CUSICK PRESENTED

No. 1397 Resolution repealing Resolution No. 888, effective November 19, 1987, entitled, "Authorizing an Agreement or Agreements with the Public Parking Authority of Pittsburgh to reimburse the Public Parking Authority of Pittsburgh for street work done in conjunction with the Renovation of Mellon Square. Whereas, the Public Parking Authority of Pittsburgh is undertaking a project for the renovation of Mellon Square; and Whereas, the City desires, in conjunction with this project, to include ancillary street work, such as street lighting, traffic signals, signal conduit and related items."

Also,

No. 1398 Resolution proposed Resolution providing for a Cooperation Agreement with Allegheny County to set forth certain terms and conditions governing the respective uses of the area under the Sixth Street Bridge and the Clemente Park River Safety Center.

Also,

No. 1399 Resolution providing for a License Agreement or Agreements with Duquesne Light Company in connection with the electric service for the Municipal Courts Facility located at 660 First Avenue in the First Ward of the City of Pittsburgh.

Which were read and referred to the Committee on Engineering and Construction.

MR. HERTZBERG PRESENTED

No. 1400 Resolution authorizing the issuance of a warrant in favor of the Giant Eagle, Inc., in the amount of Two Thousand Seven Hundred Fifty-Seven dollars and Thirty-Seven Cents in connection with the Community Recreation Program in the Department of Parks and Recreation without previous authority of law, and providing for the payment thereof, chargeable to and payable from Code Account SPPTF (Special Parks Program Trust Fund), in the Department of Parks and Recreation.

Also,

No. 1401 Resolution transferring the amount of $425,000.00 to Code Account 4, Health Insurance, Municipal Employees from Code Account SSFSP, Special Summer Food Service Program Trust Fund, the amount of $300,000.00 and from Code Account SPP, Special Parks Programs, the amount of $125,000.00 in the Department of Parks and Recreation.

Also,

No. 1402 Resolution transferring the amount of $100,698.19 to Code Account SPP, Special Parks Programs, from Code Account SSFSP, Special Summer Food Service Program Trust Fund, in the Department of Parks and Recreation.

Which were severally read and referred to the Committee on Finance.

Also,

No. 1403 Resolution authorizing and directing the Mayor and the Director of Parks and Recreation to enter into a Cooperation and Support Agreement with the Allegheny Regional Asset District, whereby the City shall receive a minimum of $3,500,000 annually for ten years for the support of the Regional Park System of the City Parks.

Also,

No. 1404 Resolution authorizing and directing the Mayor and the Director of Parks and Recreation to enter into a Cooperation and Support Agreement with the Allegheny Regional Asset District and the National Aviary, Inc., whereby the District shall provide a minimum of $807,000 annually for ten years for the National Aviary in Pittsburgh.

Also,

No. 1405 Resolution authorizing and directing the Mayor and the Director of Parks and Recreation to enter into a Cooperation and Support Agreement with the Allegheny Regional Asset District and the Zoological Society of Pittsburgh, whereby the District shall provide a minimum of $3,500,000 annually for ten years for the Pittsburgh Zoo.

Also,

No. 1406 Resolution authorizing and directing the Mayor and the Director of Parks and Recreation to enter into a Cooperation and Support Agreement with the Allegheny Regional Asset District and Phipps Conservatory, Inc., whereby the District shall provide a minimum of $1,835,000 annually for ten years for the support of the Phipps Conservatory.

Also,

No. 1407 Resolution authorizing and directing the Mayor to enter into a Cooperation and Support Agreement with the Allegheny Regional Asset District, Allegheny County and the Carnegie Institute, Inc., whereby the District shall provide a minimum of $1,886,000 annually for ten years for the support of the Carnegie Institute.

Also,

No. 1408 Resolution authorizing and directing the Mayor to enter into a Cooperation and Support Agreement with the Allegheny Regional Asset District, Allegheny County and Carnegie Library of Pittsburgh, whereby the District shall provide a minimum of $11,882,000 annually for ten years for the support of Carnegie Library.

Also,

No. 1409 Resolution authorizing and directing the Mayor and the Director of Parks and Recreation to enter into an agreement or agreements with the Rector Church Wardens and Vestry of Calvary Protestant Episcopal Church, Pittsburgh, Pennsylvania, releasing the City's reversionary interest in the property and residence located at 400 Shady Avenue, 7th Ward, Allegheny County, Pittsburgh, PA 15206, and in the trust fund established to maintain the property in connection with the proposed sale of the property by the Church to Joetta Sampson and Ben Sampson.

Which were severally read and referred to the Committee on Parks and Recreation.

MR. ONORATO PRESENTED

No. 1410 Resolution providing for the transfer of $1,200 from Code Account 1022, Salaries, Regular Employees, to Code Account 1022-1, Premium Pay, Magistrates Court.

MR. ONORATO moved to suspend Rule 8 by providing for consideration of the bill only until or after the calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

MR. O'CONNOR seconded the motion.

Which motion prevailed.

Also,

No. 1411 Resolution providing for the issuance of a warrant in the sum of $6,250.00 to Regina and William Lewis, c/o Sandra Kitman,

Esquire, Schiffman, Parise & Wojdowski, 1300 Fifth Avenue, Pittsburgh, PA 15219, in full and final settlement of an accident which occurred at the intersection of North Avenue and Federal Street on or about December 6, 1990.

Also,

No. 1412 Resolution providing for the issuance of a $1,100.00 warrant in favor of Daniel Resnick in settlement of claim for sidewalk damage, charging same to Code Account No. 46, Judgments.

Also,

No. 1413 Resolution providing for the issuance of a $3,348.00 warrant in favor of Bernie Klaja for property damage by City refuse truck, charging the same to Code Account No. 46, Judgments.

Also,

No. 1414 Resolution providing for the issuance of a warrant in the sum of $5,000.00 to Samuel J. Cordes, Esquire, OGG, JONES, DeSIMONE & IGNELZI, 245 Fort Pitt Boulevard, Fourth Floor, Pittsburgh, PA 15222, in payment of Attorney's fees in connection with the claim of Valenta v. the City of Pittsburgh.

Also,

No. 1415 Resolution authorizing and directing the Mayor to enter into a Cooperation and Support Agreement with the Allegheny Regional Asset District and the Stadium Authority of the city of Pittsburgh, whereby the District shall provide a minimum of $10,000,000 annually for ten years for the support of the Three Rivers Stadium.

Also,

No. 1416 Resolution authorizing and directing the City Controller to create a special trust fund, to be designated as the Workers' Compensation Commutation Trust Fund (WCCTF) for the deposit of monies received from the State of Pennsylvania for favorable decisions received in litigation and monies received when the City is successful in a lawsuit against a negligent third party.

Also,

No. 1417 Resolution designating Banks and Lending Institutions to act as Depositories for the year 1995 in accordance with the Pittsburgh Code, Title Two, Fiscal, Article III, Depositories.

Also,

No. 1418 Resolution providing for the conveyance by the City of Pittsburgh of certain property, under Act No. 171 of 1984, entitled, "Second Class City Treasurer Sale and Collection Act," effective December 11, 1984.

Which were severally read and referred to the Committee on Finance.

The Chair:

Mr. Ricciardi, Committee on Public Works, and I think you have a Cooperation Agreement also.

Mr. Ricciardi:

Yes, thank you, Mr. President.

MR. RICCIARDI PRESENTED

No. 1419 An Ordinance supplementing the Pittsburgh Code, Title Two, Fiscal, Article VII, Business Related Taxes, Chapter 241, Amusement Tax, by adding Section 241.07 - Ticket Labeling.--**-(SPONSORED BY MR. RICCIARDI)**

Which was read and referred to the Committee on Finance.

Also,

No. 1420 Resolution authorizing the Mayor and the Director of the Water Department to execute a Cooperation Agreement and amendments thereto with the Pittsburgh Water and Sewer Authority to provide for the creation of a fully operating Authority.

Which was read and referred to the Committee on Water.

MR. RICCIARDI moved to suspend Rule 8 by providing for consideration of the bills only until or after the calendar day following the meeting in

which the bills were introduced so the bills will be on the agenda this Wednesday.

MR. ONORATO seconded the motion.

Which motion prevailed.

THE CHAIR PRESENTED

No. 1421 Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire all of the City's right, title and interest, if any, in and to the publicly-owned property in the 13th Ward of the City of Pittsburgh designated in the Deed Registry Office of Allegheny County, as Block 175-G, Lots 31 and 71, under the Residential Land Reserve Fund.

Which was read and referred to the Committee on Planning, Housing and Development.

The Chair:

We need a motion to waive Rule 8 on that bill.

MR. COHEN moved to suspend Rule 8 by providing for consideration of the bill only until or after the calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

MR. RICCIARDI seconded the motion.

The Chair:

It has been moved and seconded. All in favor?

WHICH MOTION PREVAILED.

The Chair:

Under Unfinished Business, are there any matters to be brought before the body or any Reports of Special Committees?

Hearing none, moving to Reports of Committees.

REPORTS OF COMMITTEES

The Chair:

Committee on Finance, Councilman Onorato.

Mr. Onorato:

Mr. President.

The Chair:

Thank you, Mr. Onorato. And, I believe Mr. Hertzberg has an amendment to offer.

MR. ONORATO PRESENTED

Bill No. 1422

Report of the Committee on Finance for December 7, 1994, transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 1298

A Resolution entitled, "Resolution providing for the transfer in the amount of One Hundred Thousand dollars ($100,000.00) from code Account 47, Index Code 004705, Personal Leave Buy Back, to be distributed as follows: Eighty Thousand Dollars ($80,000.00) to Code Account 57, Index Code 005702, Social Security Fund; Twenty Thousand Dollars ($20,000.00), to Code Account 57-1, Index Code 005710, Retirement Severance Pay-Sick Leave."---(AS AMENDED)

Which was read.

Also,

Bill No. 1314

A Resolution entitled, "Resolution amending the City of Pittsburgh Rules of Council, Rule IX and Rule X, by changing the Standing Committees."---(SPONSORED BY MR. FERLO)

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. O'Connor
Mr. Cusick	Mr. Onorato
Mr. Hertzberg	Mr. Ricciardi
Ms. McDonald	Mr. Ferlo
	(Pres't)

AYES 8 NOES none

The bills having received the legally required number of votes are passed finally.

Also,

Bill No. 1323

A Resolution entitled, "Resolution authorizing the issuance of a warrant in favor of the Tom Cat Screen Printing in the amount of Five Thousand Six Hundred Twenty-One Dollars and Seventy Cents ($5,621.70), in payment for services provided to the City of Pittsburgh, furnished for the benefit of the City without previous authority of law; and providing for the payment thereof."

Which was read.

Also,

Bill No. 1324

A Resolution entitled, "Resolution authorizing the issuance of a warrant in favor of the Globe Electric Company, Inc., in the amount of One Thousand Eight Hundred Sixteen Dollars and Forty-Six Cents ($1,816.46), in connection with the City of Pittsburgh's Swimming Pool Program, without previous authority of law; and providing for the payment thereof."

Which was read.

Also,

Bill No. 1325

A Resolution entitled, "Resolution authorizing the issuance of a warrant in favor of Pete Jeffrey & Associates, Inc., in the amount of Four Thousand Four Hundred Nine Dollars ($4,409.00), in payment for the purchase of recreational equipment, for the benefit of the City without previous authority of law, and providing for the payment thereof."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. O'Connor
Mr. Cusick	Mr. Onorato
Mr. Hertzberg	Mr. Ricciardi
Ms. McDonald	Mr. Ferlo
	(Pres't)

AYES 8 NOES none

And there being two-thirds of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 1326

A Resolution entitled, "Resolution transferring the amount of $16,000.00 from Code Account 1832, (183202), Wages, Temporary Employees, to Code Account 1800 (180000), Salaries & Wages,

Administration, in the Department of Parks and Recreation."

Which was read.

Also,

Bill No. 1327

A Resolution entitled, "Resolution transferring the amount of $25,000.00 from Code Account 1801, (180109), Miscellaneous Services, to Code Account 1808-9 (180893), Workers' Compensation, in the Department of Parks and Recreation."

Which was read.

Also,

Bill No. 1328

A Resolution entitled, "Resolution transferring the amount of 4500,000.00 from Code Account SSFSP (270256), Special Summer Food Service Program Trust, to Code Account 45 (004507), Health Insurance, Municipal Employees."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. O'Connor
Mr. Cusick	Mr. Onorato
Mr. Hertzberg	Mr. Ricciardi
Ms. McDonald	Mr. Ferlo
	(Pres't)

AYES 8 NOES none

The bills having received the legally required number of votes are passed finally.

Also,

Bill No. 1334

A Resolution entitled, "Resolution providing for the issuance of a warrant in the sum of $6,500.00 to Michael A. Vellano and Josephine Vellano, his wife, c/o F. Christopher Spina, Esquire, Spina and Spina, P.C., Firm #784, 1002 Fifth Avenue, Pittsburgh, PA 15219, in full and final settlement of an accident which occurred on Penn and Negley Avenues on or about August 30, 1990."

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. O'Connor
Mr. Cusick	Mr. Onorato
Mr. Hertzberg	Mr. Ricciardi
Ms. McDonald	Mr. Ferlo
	(Pres't)

AYES 8 NOES none

And there being two-thirds of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 1335

A Resolution entitled, "Resolution providing for an agreement or agreements with Charles J. Kolling, Legislative Consultant for consulting services to assist the City of Pittsburgh in acquiring state

assistance and funding and to work with various agencies of government for the benefit of the City of Pittsburgh during 1995, at an aggregate cost not to exceed Thirty Thousand Dollars ($30,000.00), chargeable to and payable from Code Account 1017, Index Code 101709, Miscellaneous Services, Mayor's Office."---(AS AMENDED)

Which was read.

Also,

Bill No. 1341

A Resolution entitled, "Resolution authorizing and directing the Treasurer to deposit Six Dollars ($6.00) from the court costs collected for each parking violation into the Retirees Additional Benefits Trust Account to be used to provide additional health care benefits to retired police officers, firefighters and municipal employees."---(SPONSORED BY MR. FERLO)

Which was read.

Also,

Bill No. 1349

A Resolution entitled, "Resolution authorizing the transfer of the sum of One Hundred Fifty-Four Thousand One Hundred Dollars ($154,100.00) from Code Account 1838, Index Code 183806, Miscellaneous Services, Parks & Recreation."

Which was read.

Also,

Bill No. 1350

A Resolution entitled, "Resolution authorizing the transfer of Thirteen Thousand Five Hundred Dollars ($13,500.00) from Code Account 1450, Index Code 145003, Police Equipment, to Code Account 1448, Index Code 144808, Police Miscellaneous Services, Bureau of Police, Department of Public Safety."

Which was read.

Also,

Bill No. 1364

A Resolution entitled, "Resolution providing for the transfer of $1,399,162.50 from Code Account 45, Index Code 004507, Health/Life Insurance - Municipal Employees to Code Account 1154-1, (115410), Rental of Motorized Equipment, Department of General Services."

Which was read.

Also,

Bill No. 1365

A Resolution entitled, "Resolution approving the Terms of and Authorizing the execution and delivery of a Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh relating to the creation by the Authority of a Development Fund to stimulate residential, commercial and industrial and other development in the City at an aggregate principal amount of $60,000,000.00."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills? Mr. Hertzberg.

Mr. Hertzberg:

Mr. President, on Bill No. 1365, I want to make a motion to amend that bill in the manner that has been submitted to the Clerk and to all Members of Council.

The Chair:

Would you please read that for the record.

Mr. Hertzberg:

Sure. It is just an insertion into Section 1 of the following language: "which shall not materially change the program contemplated herein." And, I can explain that, if there is a second.

The Chair:

Thank you. There is a motion on the floor, is there a second?

MR. O'CONNOR seconded the motion.

The Chair:

It has been moved and seconded. Mr. Hertzberg.

Mr. Hertzberg:

The bill as submitted had attached to it a proposed Cooperation Agreement with the URA and the City. The Cooperation Agreement got somewhat specific about the Pittsburgh Development Fund, that is what this is all about, some of the terms of the loans, said that the URA was to administer it under the standard program guidelines and procedures. It limited the amount that could be paid for administration of this fund to one percent. It also contained a minimum project cost of one and a half million dollars, and also a requirement that the loan not exceed 30 percent of the total cost of the project, then there are some other specific items in here.

The Legislation, though, as it originally was, allowed this Cooperation Agreement to be changed kind of at the discretion of the City Solicitor and anyone else involved, and I was kind of concerned about that, and I wanted to see that any major changes of this agreement would come before Council first and that what we saw and what we are seeing here is what we get in the final product, and this language that is being inserted I think will do that.

The Chair:

Thank you, Mr. Hertzberg. Any other discussion? Mr. O'Connor.

Mr. O'Connor:

You are saying that any major changes to the agreement will have to come through Council, in a nutshell?

Mr. Hertzberg:

Yes.

Mr. O'Connor:

Yes, I think it is a good idea. We had a lot of concerns about that.

The Chair:

Recognizing the haste in which this is being approved, I definitely support the amendment.

Mr. Ricciardi.

Mr. Ricciardi:

Well, obviously I strongly support the amendment. That was my understanding, but not being an attorney, I am glad that Mr. Hertzberg was able to point that out to City Council and protect the interest of the RAD itself and the taxpayers. So, I just want to commend our attorney on staff here, our colleague, Mr. Hertzberg.

The Chair:

Mr. Cohen.

Mr. Cohen:

I will join the chorus of supporting this amendment and thank Councilman Hertzberg for putting it in, and would like my comments brought forward on the entire Development Fund Program. Thank you.

(REMARKS -- SEE ADDENDUM)

The Chair:

Thank you, Mr. Cohen.

Any other discussion on the specific amendment to the Bill 1365? Roll call vote on the amendment.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. O'Connor
Mr. Cusick	Mr. Onorato
Mr. Hertzberg	Mr. Ricciardi

Ms. McDonald Mr. Ferlo
(Pres't)

AYES 8 NOES none

WHICH MOTION PREVAILED.

The Chair:

The bill is amended. Please note.

On the bill itself. I would like to ask my colleagues to enter into the record the legal opinion from the law firm Cohen & Grigsby, which I believe was retained by the City Solicitor.

If you remember, I had asked early on to the Administration for a comfort letter, some type of legal opinion, regarding this tax arrangement. This is a little bit of a complicated deal, actually a new type of a transaction to City government, although the indication in this legal memo is it has been done in a couple of other instances. There are transactions that must be approved legally by both the Department of Revenue at the State level pursuant to Act 77, as well, I believe, the State Treasurer has to take a legal action.

This legal memo, which we had requested, if you refer to the last paragraph, it gives me the assurance I wanted, it states and I would like to read: "As is customary in transactions of this type --" regarding the whole Bond Development Fund and the segregating out of the RAD revenue " -- we will issue a formal legal opinion to the Trustee and the holders of the Bonds at the closing of the issuance and sale of the Bonds by the URA to the effect that such actions by the City are permitted under applicable law. Such an opinion will be a condition to the closing so that the Bonds will not be issued (and the City will not be obligated to take these actions) if the opinion cannot be rendered." That is fine with me.

Any other comments or discussions? I would like to have this entered into the record as part of the review of this discussion.

Hearing no other discussion, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen Mr. O'Connor
Mr. Cusick Mr. Onorato
Mr. Hertzberg Mr. Ricciardi
Ms. McDonald Mr. Ferlo
(Pres't)

AYES 8 NOES none

The bills having received the legally required number of votes are passed finally.

MR. O'CONNOR PRESENTED

Bill No. 1423

Report of the Committee on General Services for December 7, 1994, transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 1265

A Resolution entitled, "Resolution providing for a contract or contracts or the use of an existing contract or contracts to purchase and install a telecommunication system for the Department of Personnel and Civil Service, in an amount not to exceed Thirty-Six Thousand Dollars ($36,000.00), and providing for the payment of the cost thereof."---(AS AMENDED)

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill? Mr. Onorato.

Mr. Onorato:

I just would like to have my comments brought forward.

(REMARKS – SEE ADDENDUM)

Mr. Cohen:

I would like my comments brought forward also, and my vote is "aye".

(REMARKS – SEE ADDENDUM)

The Chair:

Any other discussion? Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. O'Connor
Mr. Cusick	Mr. Onorato
Mr. Hertzberg	Mr. Ricciardi
Ms. McDonald	Mr. Ferlo (Pres't)

AYES 8 NOES none

The bill having received the legally required number of votes passed finally.

MR. HERTZBERG PRESENTED

Bill No. 1424

Report of the Committee on Parks and Recreation for December 7, 1994, transmitting two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 1329

A Resolution entitled, "Resolution authorizing the Mayor and the Director of the Department of Parks and Recreation to enter into agreements in individual amounts of Ten Thousand Dollars ($10,000.00) or less with various performers, instructors, artists and other persons with specialized skills in connection with the Department's various recreational and instructional programs."

Which was read.

Also,

Bill No. 1330

A Resolution entitled, "Resolution providing for a license to Peoples Natural Gas Company to install, operate, maintain, repair, and remove 6,000± LF to maximum three inch (3") polyethylene pipeline on property of the City from Forbes Street to the Ice Rink in Schenley Park in the 15th Ward designated as Block 27-S, Lot 150."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Ms. McDonald:

Discussion.

The Chair:

Councilwoman McDonald.

Ms. McDonald:

There is a typographical error on Bill 1330; as it reads, "polyethylene" should be spelled with an "e-n-e" on the end, not an "m".

The Chair:

Thank you very much. That's our resident chemist here speaking.

Ms. McDonald:

I was told to bring it up now.

The Chair:

We will correct the bill. Since it is a typographical, it does not need a formal amendment; we will make the proper correction.

Any other comments or discussion? Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all

opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. O'Connor
Mr. Cusick	Mr. Onorato
Mr. Hertzberg	Mr. Ricciardi
Ms. McDonald	Mr. Ferlo
	(Pres't)

AYES 8 NOES none

The bills having received the legally required number of votes are passed finally.

The Chair:

Councilman Cohen, Committee on Public Safety.

Mr. Cohen:

Mr. President.

The Chair:

Thank you, Mr. Cohen.

MR. COHEN PRESENTED

Bill No. 1425

Report of the Committee on Public Safety for December 7, 1994, transmitting two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 1342

A Resolution entitled, "Resolution authorizing and directing the Chief Magistrate, City Court, to assess and collect court costs in the amount of $23.50 for each and every violation of the provisions of Chapters 541, 543 and 545 of the City Code, except those cases where a hearing is demanded."---**(SPONSORED BY MR. FERLO)**

Which was read.

Also,

Bill No. 1343

A Resolution entitled, "Resolution authorizing and directing the Controller to create a new General Fund Revenue Line Item within the Pittsburgh's Magistrate's Court."---**(SPONSORED BY MR. FERLO)**

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. O'Connor
Mr. Cusick	Mr. Onorato
Mr. Hertzberg	Mr. Ricciardi
Ms. McDonald	Mr. Ferlo
	(Pres't)

AYES 8 NOES none

The bills having received the legally required number of votes are passed finally.

The Chair:

We have a public hearing this afternoon regarding the Sign Zoning Legislation, I believe it is at 2 p.m.

Mr. O'Connor, you have a motion?

Mr. O'Connor:

Yes, I have a motion that we would televise the public hearing this afternoon on Bill No. 668.

MR. HERTZBERG seconded the motion.

The Chair:

Moved and seconded. All in favor?

WHICH MOTION PREVAILED.

The Chair:

The motion carries. Would you communicate to City Cable.

Any other concerns? Mr. Hertzberg, you wanted to alert us to the Keystone Application process.

Mr. Hertzberg:

Yes, I am going to make a motion to recess the meeting today until tomorrow immediately after Standing Committee Meetings. Yes, there is a bill that was held at last week's Standing Committees Meeting dealing with the Keystone Fund Application. The specifics of it will be introduced tomorrow by Mr. Farley, and the timing on the application is such that we need to get final approval as quickly as we can.

The Chair:

Can we please receive a copy of what the intended appropriation of dollars will be used for in the City relative to our application, prior to tomorrow, so that we can have some --

Mr. Hertzberg:

We will call Mr. Farley, but I did meet with him and that is what it will be, that is with the amendment.

The Chair:

If he could maybe provide it to us before the end of the day, give us a little opportunity to review it. I think a lot of us are concerned about our Regional Park System, and I think we would like to review that.

If there are no other comments or anything else to be brought up under Motions and Resolutions.

I think we owe the Mayor a "thank you" and his staff in relation to the invitation. We saw the Governor-Elect here yesterday, Mr. Rigas and others. I think we are all and I think a lot of citizens, we are very impressed with the quick movement and the coordination by the Mayor's Office of this whole Pirate transaction, it looks very promising.

It is great to welcome any new corporate citizen, but in this case we have the benefit of a new corporate citizen, hopefully, who is extremely philanthropic, would be, I guess, the best way to characterize the Rigas individual and the family that will be coming to Pittsburgh. It is very exciting; I think there is a lot to look forward to, and I think the Administration has done a really good job in coordinating and putting this whole complicated package together. I think we should so note that.

MR. HERTZBERG moved to approve the Minutes of Wednesday, December 7, 1994.

MR. COHEN seconded the motion.

Which motion prevailed.

The Chair:

Are there any other matters? If not, we will move on the motion to recess this Legislative Meeting till tomorrow, immediately following the Standing Committees, specifically for the purposes of acting on the Keystone Application. All in favor?

WHICH MOTION PREVAILED.

And on the motion of **MR. HERTZBERG**

Council recessed.

Pittsburgh, PA
Wednesday, December 14, 1994

And the hour of recess having expired, Council reconvened.

The Chair:

At this time I would like to reconvene Council's Legislative Session. We will dispense with the taking of the roll; there is a quorum present, I would like the record to reflect that.

REPORTS OF COMMITTEES

The Chair:

At this time I would ask that the City Clerk read the bill from Councilman Hertzberg's Committee.

MR. ONORATO PRESENTED

Bill No. 1426

Report of the Committee on Finance for December 14, 1994, transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 1366

A Resolution entitled, "Resolution authorizing the City of Pittsburgh. to submit grant applications and execute relevant agreements to the Pennsylvania Department of Community Affairs under the provisions of the Keystone Recreation, Park, and Conservation Fund."

Which was read.

The Chair:

As amended. This bill was amended.

You have heard the reading and title of the bill, is there any discussion on the bill?

I would like our comments brought forward.

(REMARKS -- SEE ADDENDUM)

The Chair:

No other discussion, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cusick	Mr. Onorato
Mr. Hertzberg	Mr. Ricciardi
Mr. O'Connor	Mr. Ferlo (Pres't)

AYES 6 NOES none

The bill having received the legally required number of votes passed finally.

The Chair:

Is there any objection to reading Bill 1392, which is the Cable bill, which was unanimously approved, to move it and be done with it?

Mr. Hertzberg:

No objection.

The Chair:

Would the City Clerk please read Bill 1392. That will also expedite the discussion at the Legislative Session next Tuesday.

MR. O'CONNOR PRESENTED

Bill No. 1427

Report of the Committee on General Services for December 14, 1994, transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 1392

A Resolution entitled, "Resolution regarding Regulation and Rates Charged for Basic Cable Service and Related Equipment."— **(SPONSORED BY MR. COHEN)**

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill? Mr. Hertzberg.

Mr. Hertzberg:

Mr. Chairman, I would like to have my comments brought forward, and I will anticipate Mr. Cohen wanting his comments brought forward.

The Chair:

Absolutely. All comments to be brought forward on Bill 1392.

(REMARKS – SEE ADDENDUM)

The Chair:

Any other discussion? Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cusick	Mr. Onorato
Mr. Hertzberg	Mr. Ricciardi
Mr. O'Connor	Mr. Ferlo (Pres't)

AYES 6 NOES none

The bill having received the legally required number of votes passed finally.

The Chair:

Any other points under Motions and Resolutions?

Mr. Hertzberg:

Move to adjourn.

MR. RICCIARDI seconded the motion.

WHICH MOTION PREVAILED.

The Chair:

Motion to adjourn is in order. This meeting legislatively stands adjourned. Thank you.

And on the motion of **MR. HERTZBERG**

Council adjourned.

(MESSRS. COHEN & ONORATO'S COMMENTS ON BILL NO. 1265)
(Wednesday, December 7, 1994)

Mr. Cohen:

Mr. Chairman, someone please enlighten me. At the final vote -- I guess it was not the final vote or it wouldn't be up today -- at the vote at the legislative session --

Mr. Onorato:

Point of order. This was untabled today.

Mr. Cohen:

Right, where we tabled it, but I am talking a week ago where we tabled it, I had -- and obviously shared by the two of you who led the way on this -- I had two principles that I put forth: One, it should be a fair bidding process and I was concerned that the bid process last time was not fair because it was piggy-backed on the state contract, so that we go out to bid and have it be a level playing field; second, that we have a preference to buy American, that if what comes in is from a foreign country, then we have a preference. If that preference is 5 percent, 10 percent, we can argue that here at the table, but that we have a preference we buy American products.

If what you are suggest here will satisfy those two principles, then I will vote for it, but I am afraid we are getting caught up in procedural mumbo-jumbo.

(Deleted text.)

Mr. Cohen:

That is fine. We will put that off until January. I look forward to working with you on that.

But on the actual bidding process, we are going to take this out to bid again; right?

Ms. Miskovich:

No, that is not correct.

Mr. Cohen:

Well, then, you lose my vote.

Mr. Onorato:

Explain then, Director, so everyone knows exactly what this legislation is doing besides encumbering.

Ms. Miskovich:

When you use the word "again," it makes it not true. We have not bid telephone equipment for the City of Pittsburgh. The Commonwealth of Pennsylvania has bid telephone equipment.

Mr. Onorato:

Can I stop you for a second? I want to stress that point, that the Commonwealth of Pennsylvania gave this contract to Toshiba, Commonwealth of Pennsylvania.

Ms. Miskovich:

Twice.

Mr. Onorato:

Which I think is a disgrace.

Mr. Cohen:

The only reason I said "bid," and maybe it is a semantics issue, is because when this first came to Council, I thought that the word bid was used and that we actually had quotes from different American companies. Let me rephrase it.

We are going out to bid and we will have a fair bid for everybody out there?

Ms. Miskovich:

I don't want -- I will not speak for the Commonwealth of Pennsylvania. However, I have no reason to believe that the Commonwealth of Pennsylvania engaged in any improper practices. I believe that they competitively bid this contract. It was simply their opinion that it was adequate to award it to a non-United States based company. The United States federal government also bid this contract for telephone equipment, which we have the ability to piggy-back off, and we were not satisfied with that bid, as well.

What we did, which is probably where there was

apparently some mis-communication, was we looked at the federal contract bids. We then looked at the state contract bids. We then looked at the local government, county contract bids. We then approached the vendors, as well, because oftentimes we may be in a position because of our location, our proximity to that vendor or their distributor, to be able to get it at an even better price. If it comes back to us that we can secure a better price, then we go out for a competitive bid, again not where we take that vendor's bid or promise, we go out and competitively bid and then hopefully will get the price that we had anticipated.

What we intend to do in January of 1995 is competitively bid the commodity of telephone equipment.

Now, if in the interim this legislative body chooses to enact legislation that states that I am to give a setback, credit of sorts, to a U.S. based company so that anyone who is U.S. based will have some advantage, then that will also be included, and your legislation will make it apply uniformly to all city contracts. It will be a directive within your legislation to me as the Department of General Services Director to make sure that immediately effective whatever date, we then give the credit or the setback or however -- precisely, whatever preferential treatment you legislate.

But as Mr. President stated, that is a wholly separate issue.

Mr. Cohen:

I agree.

Mr. Onorato:

Let me clarify a point, Director, because I think you tried to clarify my point.

I want to make it very clear that the Commonwealth of Pennsylvania -- in no way was I implying they did anything illegal. I think whatever they did, they did it aboveboard, it was totally legal and it was disgraceful.

All I was pointing out is you give me a list of how many PA Senators and PA Reps and the Governor and Lieutenant Governors that drive foreign cars. The difference here is that car goes on the road in front of people. A telephone stays in the office, no one sees

it. Yet, if you look at the dollars that are being spent and you look at the industries that are involved, they are both worth looking at, especially since we can't get our product into Japan. We do not have a fair playing field.

And, if we talk about lowest responsible bidder, I am all in favor of getting the best price for the taxpayer. This body has historically given public policy to certain issues. One, there is an executive order, 25 percent minority and women participation because public policy dictates that we should do something, and that the underlying thing is not the lowest bidder, it is there is other public policy involved.

Two, this body has also decided that when we go out on bond issue, we may have the discussion that some of the work should stay locally. We decide if public policy dictates if local companies have preference. So this isn't anything foreign -- well, it is foreign, it is Toshiba, unfortunately. But this is something that we have done before where public policy sometimes overrides the principle of lowest responsible bidder because there is a better good to look at. That was my only point I was making.

Ms. Miskovich:

Are you asking me to provide you with a list of the vehicles driven?

Mr. Onorato:

It would only take you two seconds.

Ms. Miskovich:

Truly?

Mr. Onorato:

Yes. I think it is zero. It is not that hard.

Ms. Miskovich:

I must tell you I am not privy to that information, but I am sure there is some federal or state disclosure acts.

Mr. Cohen:

They are all paid for by the taxpayers.

Mr. Onorato:

Exactly. So are the phone systems.

(Deleted text.)

Mr. Onorato:

Councilman Cusick has a very good point. The 15,000 was approved. However, through your discussion and your openness, which I appreciate, we did discover a flaw in the system here, that some of the legislation that comes to the table is so generic that it could hide important issues.

Maybe what we should do with pieces of legislation is dictate that if there is a vendor already selected in mind, we should have that name on the legislation. He brings up a very good point which I would love to see before we vote on a generic give away.

Ms. Miskovich:

In all fairness, Mr. Chairman, I would like to commend Mr. Chet Malesky, the Purchasing Supervisor. It was Mr. Malesky who brought to my attention the issue of the $15,000.00 legislation that had already been approved and immediately stopped it. It was a result of his discovery that I then sent the memo.

Mr. Onorato:

We thank him.

(Deleted text.)

Mr. Onorato:

Director, I would like to end by saying one thing. That is I do recognize that this buy American policy can't be across the board and that there are certain situations where things just aren't made here. We understand that. My point is there are certain large ticket items that we are very competitive with the world and sometimes the world is not a fair playing field. There is no reason why we can't protect industries that we know are being protected in the home land somewhere else. On that level, I think we have a right to stand

up and say. I hope that the state would do that, too.

As I said at the last meeting, we are not talking about little toys that McDonalds might give away that were made somewhere else, we are talking about a major industry that employs thousands and thousands of people.

With hindsight we all know that there was some illegal dumping of steel for that industry. I don't want to see that happen to a major industry. I want to reach a happy medium here; it is not an all or nothing. That is what I am hoping to work out over the next several months.

(END OF REMARKS.)
Transcribed by: Helen L. Kriebel
Stenotype Reporter

(MR. COHEN'S COMMENTS ON BILL NO. 1365)
(Wednesday, December 14, 1994)

Mr. Cohen:

Thank you, Mr. Chairman. I will be brief because we have had many, many meetings on this.

I want to commend Tom Cox and Steve Leeper and Mulu Birru, as well as the Mayor, for the way you went about this, as well as the actual program itself; that is, you briefed all of us at least twice, if not more, a lot more than you wanted to, probably. But it is a complicated bill, it really is, and it is very, very important. I commended the Mayor here at this table yesterday for his boldness in creating this development fund. I think it is very, very important. I am convinced of the need for it and even the need to transfer some city dollars from our operating budget into that fund at a time when we have a serious budget deficit. That is how important this is, because the truth is unless we expand the city's base -- I don't know whether you can use grow as a verb the way it has always been used, I don't feel comfortable with it -- grow the city, if you want to use that, but if not, then expand the city's base, then we will not solve our yearly deficit scramble that we undergo at this time of year every year, because we need to make sure that we bring business and people back into the city. I think this development fund will enable us to do that.

I have spoken to you privately about what I thought the next step was, at least one of the next steps, and that is to market this fund in the city in a way that we can attract business here and say, "This is what we have to offer you." As Mayor Murphy said, the city is open for business. But specifics, this is what we have to offer you. I would like to work with you on that. You have already pledged that you would do that. I want to say that I support this wholeheartedly.

(END OF REMARKS.)
Transcribed by: Helen L. Kriebel
Stenotype Reporter

BEGINNING - COUNCIL'S COMMENTS ON BILL NO. 1366, WEDNESDAY, DECEMBER 14, 1994)

Mr. Hertzberg:

This bill was held and we also recessed yesterday's legislative meeting because of this bill. The terms in the legislation are vague and they don't specify exactly where the Administration is going with this application to the Keystone Recreation Parks and Conservation Fund and I have distributed an amendment to the bill to specify which projects we intend to apply for and I'm making a motion to amend Bill No. 1366 by adding that specific language.

Mr. Ferlo:

Second for discussion. Mr. Hertzberg can you clarify something? Do you have something in writing that is different than the fact sheet because what I thought I saw was different than what the Administration handed to us this morning.

Mr. Hertzberg:

This is the amendment.

The Chair:

I understand there is a lot of paper here but it is in front of you somewhere.

Mr. Ferlo:

What Mr. Hertzberg's amendment is restating this fact sheet?

Mr. Hertzberg:

Yes. The intention is to apply for the two projects mentioned in the fact sheet. There are Northside projects incidentally Mr. Chairman.

The Chair:

Only two? Do we have a motion? Do you want to discuss the amendment? All in favor of the amendment? On the bill as amended?

Mr. Ferlo:

Mr. Hertzberg, did you want to discuss the bill itself?

Mr. Hertzberg:

No.

Mr. Ferlo:

Could we get a clarification again? The bond issue that was approved statewide, how do we know -- have we been told by some regulatory agency that we have $200,000.00 to apply for?

Mr. Leger:

First of all the $50 million is spread over three years, it's not a single one-year appropriation. There is a $13 million appropriation next year. We have had preliminary discussions with the Department of Community Affairs which is the portion of Key-93 that we're applying for that indicated to us that this was the appropriate amounts. This is about all they're going to fund across the state.

Mr. Ferlo:

How did the Administration arrive at the issue of this project as opposed to any number of other infrastructure projects for the regional parks that we have in our city? What was the critiquing or review process that led up to this issue?

Mr. Leger:

The state legislation requires a 50/50 match on anything that you fund. Therefore we looked to the budget to find out first where we had matches on programs that fit into the Key-93 guidelines and second, we looked for programs that finished off a major park issue which is what both of these do. One is a rails to trails, one is the acquisition of land down the Ohio River which takes us farther in riverfront acquisition and there's matching funds available for these.

Mr. Ferlo:

Is this consistent with the Friends of the Riverfront and/or Rails To Trails -- has anyone else reviewed this?

Mr. Leger:

I don't know that Friends of the Riverfront has reviewed it but it's certainly consistent with continuing Rails to Trails right on out to Washington's Landing which is a connection we need to make.

Mr. Ferlo:

Could you supply us with mapping that would show what do these dollars actually get us including the matched funds that we're being asked?

Mr. Leger:

You mean the size of the parcels?

Mr. Ferlo:

So we could have a visual understanding of the North Shore to the Herr's Island or Washington's Landing of whatever you want to call it and what is going to be different as a result of the leveraging of these dollars?

The Chair:

Any other discussion?

Mr. Leger:

It's possible that somebody that from City Planning would be over here later.

Mr. Ferlo:

We're going to vote on this in final form in about one-half hour so I'm not asking prior to that but just as a follow up.

Mr. Leger:

They will bring it before then.

Mr. Ferlo:

Thank you.

Mr. Cohen:

As far as how much money is available, how did we determine that? Were we informed by the state agency that out of this $50 million and $13 million for next year we were only eligible for $200,000.00?

Mr. Leger:

We talked to DCA about what they thought was the appropriate grant size once you considered the entire state as potential recipients and that's what their response was that this is about the amount that they would fund for any project.

Mr. Cohen:

It's only $13 million for the first year. Obviously that's not one third of $50 million so does the amount go up every year?

Mr. Leger:

It's dependent on the investment of the fund and it's a permanent fund. It's allocated initially over three years but if investments pay off and if the fund is continuing to pay then it becomes a permanent fund at a reduced level. Yes, the amount should go up next year because the first year most people are applying either for property acquisition or planning grants. The second year would be the actual capital implementation so that's the big bucks.

Mr. Cohen:

Explain what the decision making process was for coming up with these two projects.

Mr. Leger:

Principally that we need to complete park land projects and put the river shores into park usable condition and that was seen as a citywide priority which has impact beyond just parks into economic development, housing and making riverfront property more attractive.

Mr. Cohen:

Let me give you an example of a problem that needs to be funded and that is Schenley Park. A master plan was done for it that required a lot of money to bring it back up to what had been in the past and --

Mr. Leger:

-- $20 million.

Mr. Cohen:

It needs a lot of rehabilitation whether that be monuments or parkland, trails, etc. Will we have a chance next year to use some of this money for that purpose?

Mr. Leger:

We'll use the money we're applying for this year.

Mr. Cohen:

The Parks Department decides what they're going to apply for.

Mr. Leger:

The Planning Department and the URA all parties to this year's application.

Mr. Cohen:

I would like to put my two cents in for that because I think that is really essential. Nothing against these projects and I support these and I'll support the bill but the Schenley Park master plan was done eight years ago and it was $20 million back then and it's a lot more now. I was hoping that some of this keystone money can go towards that and apparently that's not going to happen.

Mr. Leger:

Not in 1995. We already have the plan and we already have the master plan.

Mr. Cohen:

I know we have the plan and we need some money for it.

Mr. Leger:

We do.

Mr. Cohen:

Thank you.

The Chair:

Any other discussion? I want to point out for clarity sake that anyone listening, Councilman Hertzberg is right, two projects from the Northside but one is in former Councilman Chris Smith's district so we don't think everything is going through one district here. Any other discussion? All those in favor? Opposed? The ayes have it.

(END OF COMMENTS)
PREPARED BY: MARY ANNE HRUSKA
STENOTYPE REPORTER

(BEGINNING - MS. McDONALD'S COMMENTS ON BILL NO. 1366, WEDNESDAY, DECEMBER 14, 1994)

Ms. McDonald:

And, one more, for the record. The City Clerk, Ms. Johnson-Wasler, had said that there is going to be another Legislative Meeting regarding the Keystone -- whatever --

The Chair:

Yes.

Ms. McDonald:

-- and that Councilman Hertzberg sponsored. I want to see that moved forward. If it is on record, you have an "aye" vote on that.

The Chair:

Thank you.

Ms. McDonald:

Thank you.

(END OF COMMENTS)
Transcribed by: CHERYL L. WILDS
STENOTYPE REPORTER

Mr. Hertzberg:

Point of order, Mr. Chairman. When we vote, can we separate them out again?

The Chair:

If there is a wish of the body, yes.

Mr. O'Connor:

Motion to approve for discussion. I will defer to Mr. Cohen.

Mr. Cohen:

By asking Mr. Onorato to read those together, I didn't mean that we will necessarily vote all together.

Mr. Chairman, members of Council, these three bills involve the regulation of our cable television monopoly, TCI of Pennsylvania. Thanks to your unanimous support, this Council initiated regulation in June of 1993 making Pittsburgh one of the first, if not the first, in the nation to do so.

We initiated a regulation because TCI's rates and equipment charges were skyrocketing out of control. What I would like to do if I could, Mr. Chairman, with your permission is illustrate this for Council.

The Chair:

Okay.

Mr. Cohen:

I realize this has been a long meeting, so I will try to make this as brief as possible.

Also we have with us today Mr. Dave Wommser, City Council's consultant who has done a lot of work and prepared the report; Mr. Ashley Schannauer from the Law Department who has worked incredibly hard on this; Jacqueline Morrow, of course, the Solicitor; Deborah Miskovich from General Fund Services, Director of General Fund Services, also the head of the Cable Bureau who has also worked very, very hard on this; and Celia

Shapiro who is the chair of the Cable Advisory Board.

This chart right here shows how high TCI's cable rates have gone. This is the expanded basic rate which represents 94 percent of all subscribers or 98,000 people in the City of Pittsburgh. Expanded basic rate started at $10.45 in 1986, it went up to $23.52 in 1993. That is, by the way, 125 percent increase over a six year period. If you compare that to the inflation rate, the inflation rate was 29 percent over the same period, so if you take that same $10.45 and add the inflation rate over that period, the charge for expanded basic should have been $14.27.

Now, TCI has brought that rate down from $23.52 to $22.46, and then brought it back up again. They have increased it to $23.38. We as a body, and all of you know this, do not have direct authority over expanded basic, so our only legal action there was to object to that rate increase before the FCC, and we have done that. But if you look at the difference between what TCI -- even the objected to rate of $23.38 compared to what its projected rate would have been without regulation, that is a $5.00 a month or $60.00 a year difference. So that is the expanded basic rate.

The basic cable rate shows a similar huge increase between 1986 and 1993. In 1986 the basic cable rate was $5.75, and it went up in 1993 to $12.65. Now, because of City Council regulation, that rate has come down considerably, down to $9.88. TCI -- and this is one of their filings, okay, out of the three filings that they have -- TCI has requested City Council to approve a modest, but nevertheless, a rate increase from $9.88 to $9.93. One of the recommendations that I am going to make to Council today and Dave Wormser makes in his report is that we reject that rate increase. The reason is that we have asked TCI to supply us with the information to show why they need a rate increase, what their cost increases have been to justify that rate increase. TCI has not supplied that to us. They are claiming that that information is confidential. I think what they are asking us to do is vote for a rate increase in the dark. What I am asking Council to do is to reject that rate increase until we see any costs that justify it.

There are two other charges that I want to talk about here. I did want to show briefly -- back to this real quick -- their projected rate without regulation on the basic tier would have been $13.79. So it is down to $9.80 now. That is a significant change.

Let's look at two others. One is installation. Their installation charges actually increased even by a greater margin than the rate charges that we talked about. Between 1986 when the installation charge was $21.50, in 1993 when it was $59.95, that is actually 179 percent increase. Again, remember the inflation rate during that period was only 29 percent. TCI has brought their installation charges down, but it is Mr. Wormser's contention after the accounting firm that he subcontracted with looked into this that TCI's installation rates did not come down enough by the time they filed their first filings, what is called in FCC parlance the 393, but their first filing. So what Mr. Wormser recommends and what I certainly recommend, as well, is that we reject TCI's initial filing because their installation charges were more than what the FCC allows.

Remember, our hands are tied somewhat. We can only reject proposals based on what the FCC allows us to do. If they exceed the bench marks, then we can reject them; if we don't, then we have to accept them.

But as far as the installation is concerned, there were over-charges between September of 1993 and August of 1994. Therefore, I am asking you to reject it solely for that reason. The rates are within the bench marks, however.

The remote control, you can see here, started at $3.00 and then when we pointed out that a remote control devise could be bought for $12.00 rather than having to be rented for $36.00 a year, the remote control went from $3.00 a month or $36.00 a year down to 7 cents a months or 84 cents a year. So that is a significant drop.

The second highest number of complaints, at least that I have received compared to the rates, has been the late fee. There really have been three complaints with the late fee, and one is that -- here is the late fee chart right here -- one is that TCI charges us for cable before we actually receive the service. I happen to have the bill that we received this month, and we received this bill on December 6. I have expanded basic, and the due date for the bill is December 27. The actual service goes from December 8 to January 7. So we are actually required to pay TCI before we even receive all of the service for that month. That is the first problem. The second problem is that it is a 21 day billing cycle as opposed to a 30 day billing cycle

that everybody uses; Kaufmann's use it, all the credit card companies use it. TCI does not. Unfortunately, there is nothing under the law that we can do about those two problems, but there is something we can do about the late fee increase. As you see this chart compared to the other charts, the late fee is the only one that has actually gone up since City Council regulation began, rather than going down.

The late fee, then, to summarize the problems with it, is the late fee is too early and it is too high. We can't do anything about the fact that it is too early, but we can do something about the fact that it is too high.

We have asked TCI for all of their costs associated with the late fee. We asked them verbally at the evidentiary hearing, we asked them in writing after that, and TCI has not provided us with that information. So that puts us in a bind, because we do have authority over the late fee under the service requirements of the FCC.

Councilman Joe Cusick actually raised this back in February and made a very good point, and the point is this: The Public Utility Commission in Pennsylvania requires utilities to have a late fee that is no more than 1.5 percent of the total bill. So if we applied that to TCI, 1.5 percent, that means not only would there not be a $3.00 late feel, there wouldn't be a $2.00 late fee, there wouldn't be a $1.00 late fee. Fifteen percent of the typical Pittsburgh subscribers' bill, expanded basic, $23.38, is 35 cents, 1.5. So if we use that as a guide, because we didn't get the information from TCI, but if we use the Public Utility Commission as a guide -- and cable TV, let's face it, has a number of of the traits of a utility, in that it is a monopoly -- the late fee should be 35 cents for expanded basic and 19 cents for basic. I am not suggesting that we go down that low. Okay? But I am saying that we have to do the best we can. And the only information that we have from TCI as to what their costs actually are for a late fee is their bad debt costs. We do know what their bad debt costs are. Those, of course, are their uncollectible costs for uncollectible bills. And for the first three-quarters of 1994, their bad debt was almost exactly 50 percent of what the revenue they produced from the late fee was. So for that reason, I am suggesting that we order TCI to bring the late fee down from $3.15 down to $1.58.

There is another point here, which is TCI is

not like a normal company when it comes to collecting bills. They are not like a furniture dealer, for example, who sells a sofa and then the person doesn't pay for that sofa. It is very difficult for a furniture dealer to go into somebody's home and get the sofa back. That is not the case with TCI. TCI, if somebody doesn't pay their bill for long enough, they shut them off. It is as simple as that.

So I think that this recommendation going from $3.15 down to $1.58 is very reasonable.

Now, TCI has lobbied Council, they have written two letters so far since the recommendations came out and they have been calling around to each and every one of you saying that because of this reduction in late fee, they are going to raise rates. Well, my response to that is they were the ones in the first place who should have given us the information to be able to make an informed decision. Absent that information, we have to do the best we can. I think this is the best we can, because this represents the costs that we know of that are associated with the late fee.

TCI under the FCC rules and regulations, can submit to Council a proposal to raise rates if their costs increase considerably from our reduction in the late fee, but they have to come to City Council and ask us to do that.

What I am suggesting on the late fee issue is reduce the late fee from $3.15 down to $1.58, but have the bill go into effect on April 1, not on January 1. The reason is to give TCI some more time to be able to get us the costs to justify their late fee. I don't think that they can, but I think we should give them time to do that so if they have further costs they want to provide to us, that will give them time to be able to do it.

So I will summarize real quick.

One, reject TCI initial form 393 because of their installation overcharges and require TCI to calculate what those overcharges are, get us the information so we can calculate it, and then order refunds to customers;

Two, reject TCI form 1210 which is the increase in the basic rate. We did what we could on the expanded basic, and that is object to FCC.

No. 3, order a reduction in the late fee from $3.15 to -- this should actually be $1.58, you can go either way. We will give them the benefit of the doubt on a half cent.

Finally there is one other bill here, and I know from my discussions with each and every one of you, Council may not want to act on this today, but I do think that since we are putting pressure on TCI to reduce its rates and have its operation become more efficient, then we should look at our own franchise fee and make sure that we are operating efficiently and see if we can reduce our own rates. That franchise fee is a fee paid by each and every cable subscriber. I am suggesting a reduction of one-half of 1 percent, from 5 percent down to 4 and one-half percent in 1995. In terms of dollars to the budget, that means $200,000.00. I think that we can do it because we have an excellent director, a director who has lowered costs in 1995. Her budget in 1995 is $130,000.00 less than the budget in 1994. Moreover, there is at least $62,000.00 in the Cable Communications Trust Fund. That $190,000.00 right there, that is 95 percent of the way there.

So that is just a summary of all three bills. What I am asking Council to do is consider each of these seriously and be vigilant, because I think we have a duty to protect the consumer here.

Finally, the ultimate answer here, as many of us have said in the past, is competition. The franchise that TCI has is not an exclusive, and whether it is Bell Atlantic or the Rigas family, if we get somebody who is interested in laying cable lines and coming in and establishing another cable company in Pittsburgh, I hope that we would welcome them.

Thank you, Mr. Chairman.

Mr. Cusick:

I just, first of all, think that this Council should applaud Councilman Cohen for all the work he has done in regards to this. Basically myself and Councilman Onorato sit on the committee that was formed by the President earlier in the year, and I feel that I don't deserve any of the credit and the work that has gone into this. Basically the work has been solely done by Dan Cohen with very little participation by myself.

But I would just like to touch base on a few of the points that he brought up, and those are that -- and

I think No. 1, 2 and 4 were very good points that he brought up. I very much am in support of his recommendation, all of his recommendations.

I did want to talk on Point 3, and that was regarding the late fees. Mr. Cohen brings up $1.58 from $3.15 I believe it is, Mr. Cohen?

Mr. Cohen:

It is $3.15.

Mr. Cusick:

$3.15. I sat down with Dan and he went over everything the other day, and his numbers, the 1.58 was very similar to the work that I did early in the year when looking into this whole thing. I came up with 1.47. My way of my numbers were a lot -- the way I figured my numbers were a lot different than the way Councilman Cohen did his numbers. He gives more room. That is one of the first things that I asked him, if he was allotting some room there. I think he has done that, because actually, it is 54 percent, if I am not mistaken, Mr. Cohen, in regards to bad debt.

Mr. Cohen:

I calculated 52 percent.

Mr. Cusick:

Well, there is some room that is being allotted there. So I think he has been fair in that case.

The other is that we are also giving some time and an opportunity, plenty of time, to come back and show us a reason why we should not reduce that. I think that is fair. I think that when Mr. McGorry gets an opportunity to come up to the table today and explain to us how he feels about the recommendations that were made by Mr. Cohen today, whether or not they were any good, I would just ask that this Council very much support Mr. Cohen today and we move this forward.

The Chair:

Councilman Cohen, do you want to respond?

Mr. Cohen:

Let me say one thing, and that is I said this

in the beginning: I was not the only person involved in this in any way, and we have several people here today who can answer questions, and that includes Deborah Miskovich, Dave Wormser, who we have hired to give us expert advice on this, Ashley Schannauer from the Law Department and Celia Shapiro from the Cable Advisory Committee who may also have recommendations based on these filings. So thank you.

The Chair:

Councilman Ferlo.

Mr. Ferlo:

Mr. Chairman, first I want to thank Mr. Cohen for not only his due diligence, but also his determination in helping not only to represent this Council as a legislative body given some new authority for rate review, albeit minimal, but more importantly I think the consumers and ratepayers here in this city.

But I would like to ask Director Miskovich and Miss Shapiro both -- actually, Director Miskovich under the City Code should have some authority and does have some authority to communicate to this Council, at least in a formal, succinct way, what the position of the Cable Director is; in this case, your position. Also, I do appreciate the hard work of our volunteers that serve on the committee. As I read their advisory memo to us, I actually concur with a lot of it, although a couple things I don't understand.

Personally, I am opposed to reducing the cable franchise fee at this time and I hope we hold that bill for two or three months. I could support, as Mr. Cohen stated, the April 1 deadline on the late fee just in terms of getting some additional substantive information that we could review. The bottom line concern I have there is whether or not it is an automatic guarantee that the rest of the ratepayers are going to be burdened with that obligation. I think there is a fairness issue there that we need to look at and I would like to understand that better. So I will vote in favor of that today with the understanding of the April 1 deadline, and it will allow us some additional time to get feedback from TCI.

I am in favor of the actual bill that we have to vote on today, and that is the rate regulation bill, but I wanted to first ask Director Miskovich maybe to make some kind of summary statement. I thought it would

be fair to allow the Cable Advisory Committee a little bit of time to respond.

Ms. Miskovich:

Thank you very much, Mr. President, Council members.

You are precisely correct, Mr. President. In fact, the Code is rather specific. The Code states that the one individual who is to make a recommendation to Council in order that you all may make a decision, a collective decision, is in fact the Director of the Department of General Fund Services and Superintendent of the Cable Bureau.

There are three pieces of legislation that are before you gentlemen. There is one piece of legislation that requires your immediate attention. That piece of legislation is legislative Bill No. 1392, which is the resolution regarding regulation of rates.

You all may recall that you received numerous pieces of correspondence from my office reminding you of the December 21, 1994 deadline. It is that deadline which allows us, as well stated by Councilman Cohen, to make a decision as to whether to accept or reject the three filings that have been made with the City of Pittsburgh addressing rate regulation. The two other bills, ordinance No 1390 and 1391, do not necessarily require your immediate attention. However, they certainly merit the attention of this board.

In terms of both 1392 which is of paramount concern to all of us, I concur with Councilman Cohen's recommendation and, in fact, his recommendation came as a result of his research, his working with myself, with Mr. Wormser with Mr. Schannauer and with the Cable Advisory Board as chaired by Miss Shapiro. We are all in unanimous opinion that, in fact, the initial filing should be rejected, the initial 393. I will point out in fairness to TCI that they amended their filing, which is tantamount to rejecting it, but I also believe that Councilman Cohen is correct that we do need to address the issue of the initial filing, reject that and direct the refund.

TCI has been requested to submit a report to us with regard to the overcharge under the initial 393 filing. They provided us a report at the Cable Advisory Board meeting held on Monday evening. Miss Shapiro and all board members were served with a copy. I

subsequently provided a copy, as well, to Councilman Cohen and I have been provided with the additional copies this day.

I will point out with Council's permission, Mr. Chairman, Mr. President, I would like to give this to Miss Linda Johnson-Wasler for distribution. This report, again, I point out, is a document prepared by TCI, not a work product of the Cable Advisory Board or my department.

What, in effect, they are representing to us is they overcharged 448 individuals in the amount of -- to the tune of $3,600.00 total and they represented that they are prepared to refund that money to those individuals. As well they should.

So with regard to Bill No. 1392, I would concur and I would respectfully request that this honorable Council approve that bill.

Mr. Ferlo:

That is the actual rate bill?

Ms. Miskovich:

That is correct. I would also point out to you that this bill was voted upon by the Cable Advisory Board on Monday evening. Miss Shapiro can address any specific questions you may have. And they, too, concur and are respectfully requesting that you approve Bill 1392; is that correct, Miss Shapiro?

Ms. Shapiro:

Yes, that is correct.

Ms. Miskovich:

With regard to Bill 1390, I respectfully request that this bill not be passed. This bill, although may have some merit --

Mr. Ferlo:

You are talking about the cable franchise fees?

Ms. Miskovich:

That is correct. Bill 1390 addresses reduction of cable franchise fee for Cable Communications.

I will first point out to you that the reduction in the franchise fee from 5 percent to 4 and one-half percent initially would, if passed, result in a gross decrees per subscriber in the amount of 13 cents per month, $1.56 per year and a total of $7.80 over five years. So what, in effect, we can promise our listeners at home today is that you will get 13 cents per month for a period of five years and that will be the effect of your decrease.

What we will simultaneously be doing to the City of Pittsburgh's revenue is decreasing it to the tune of a minimum of $1,000,100.00. If you take the second part of the proposed bill --

Mr. Ricciardi:

Over what time period?

Ms. Miskovich:

Over the same time period, Councilman Ricciardi.

Mr. Cohen:

What did you say?

Ms. Miskovich:

A minimum of $1,000,100.00.

Mr. Cohen:

Why are way talking about five years? I am only asking for a reduction over two years.

Ms. Miskovich:

Because your bill is asking that we decrease the franchise fee from 5 percent to 4 and one-half percent and then decrease it an additional half percent.

Mr. Cohen:

That's right. The bill before us today is the first half of that. I am not asking Council to reduce it to 4 percent, but to 4 and one-half percent.

Ms. Miskovich:

That is correct.

Mr. Cohen:

It would cost $200,000.00 in the city to do that.

Ms. Miskovich:

No, I believe it would cost $200,000.00 minimum per year.

Mr. Cohen:

That's right.

Ms. Miskovich:

Not $200,000.00 over a two year period.

Mr. Cohen:

No, no. Over one year.

Ms. Miskovich:

That is correct.

The Chair:

We are all on the same page.

Ms. Miskovich:

This cable fee is used to pay for the service that you gentlemen and all of our listeners today are being able to access. In speaking with the cable providers both here in the Commonwealth of Pennsylvania and across the country, in all the Commonwealth of Pennsylvania there are only two other cities that use the franchise fee that they receive to provide a public service to the General Fund public. Not the County of Allegheny, not any of the municipalities throughout our tri-state area use the franchise fee which they all receive, gentlemen, to provide a public service to the general public. We provide the public service in the form, first of all, of these legislative sessions, which enable the general public to be able to understand the legal process that impacts upon their individual lives. We use the Cable Bureau for provide training films for

emergency services. Gentlemen, although I don't know if we are all aware of this, our emergency training films are used not only by the City of Pittsburgh, but they are used throughout the Commonwealth of Pennsylvania both for profit, municipal government entities, as well as not for profit volunteer emergency services to train their people. The licensing permits that our people have been able to gain now enable municipalities and volunteer fire fighters and the like to be able to utilize our training sessions to train their employees without incurring additional costs. We provide public services with regard to every issue from animal rights through taxing issues and providing additional help to the elderly, to our youth, to what special programs we are running all through the Cable Bureau, and it comes with every basic subscriber's ability to access our channel.

In addition, the Bureau of Cable Communications is now looking at providing two additional main-lining programming in 1995, including emergency programming, so that our viewers will be able to access the city cable channel and know when their schools are closed down in the City of Pittsburgh, what roads have been cleared during those trying times such as the terrible snows we experienced last year.

What at first blush may seem to be appealing to reduce one-half percent of the franchise fee means that that revenue, unless the City of Pittsburgh is willing to give up the ability to provide the cable communications that we are presently providing to you, as well as continue to expand the cable communications that we are providing to you, that means that the impact, financial impact, will have to be borne by the City of Pittsburgh. Right now it is not; it is shared across the board.

In addition, with our franchise fee, the franchise fee for calendar year 1994 prior to my even being appointed as the Director to the Department of General Fund Services, approximately 73 percent of the franchise fee went back into the General Fund as an incorrect cost line item which this Council body approved last year and was, in fact, paid to the General Fund to supplement the City's debt so that we do not have to address ourselves to issues such as tax increases.

So although we will be able to give a subscriber 13 cents per month, or $1.56 per year, the financial impact of at least $400,000.00 -- and the

reason, gentlemen, I say "at least," is that each time a new subscriber signs on to TCI, that is an additional 5 percent that comes into the City of Pittsburgh.

Mr. Ferlo:

The other point that is salient is that given the life of the equipment and the major capital expenditure we have made, much of that is coming on line to the point where there will be replacement costs. Even this year alone we had to approve significant amounts of money for some of that equipment. So now is not the time, in my opinion, to give up the franchise fee revenue, for all the reasons you stated, in addition to the likelihood that the next period of time over the next few years is likely the time which we are going to incur some additional capital costs.

Ms. Miskovich:

Well said, Mr. President. In addition, you all may recall that less than two weeks ago there came before you the issue of a switcher. I believe Councilman Cohen was kind enough to visit the Bureau of Cable Communications on the 9th Floor and observe the control room himself and identify that this piece of equipment was, indeed, in need of replacement.

Mr. Cohen:

You were able to buy that. I am not suggesting you not be able to buy this.

Ms. Miskovich:

I understand.

Mr. Ferlo:

Just to conclude, I want to understand and allow Miss Shapiro a couple minutes.

Could you explain some of the things you have in your memo from the Cable Advisory Committee? Because I realize several of the points you raised that are in writing here are issues that are either already in support of Mr. Cohen's rate proposal and/or what Director Miskovich just stated.

What is on here recommendation-wise that is not necessarily covered in the actions we are about to approve?

I didn't understand this modify objection language with respect to original Form 393.

Mr. Ricciardi:

What is your question?

Mr. Ferlo:

I was asking the Cable Advisory Committee who submitted a recommendation --

Ms. Shapiro:

Actually this was not submitted by the cable committee per se. What happened was it was summarized from our meeting on Monday night. At that time we did not have an opportunity to review all the legislation and the report submitted. Therefore, we made a provisory recommendation. Since that time I have had an opportunity to review the proposed legislation and the report. Basically we are in agreement with the legislation with regard to the cable rates.

Mr. Ferlo:

If I understand what is in writing from the Cable Committee Advisory group, you are in support of the present Bill 1392, which is actually the rate bill which we will vote on in final form today. You are concurring, at least with my view and Director Miskovich's view, that you should reject the reduction in the franchise fee and/or table that bill at this time, and thirdly, you are concurring with -- you are saying it a different way, but you are concurring with the proposal to vote in the affirmative on the late fee, recognizing that Mr. Cohen is amending that to make it, in effect, an April 1 deadline, which is really legislatively the same reality of what you are suggesting, and that is requesting the additional cost support from TCI.

Ms. Shapiro:

Our recommendation with regard to the franchise fee is to reject it.

Mr. Ferlo:

Exactly.

Ms. Shapiro:

We view the 30 day extension as somewhat different rather than an active piece of legislation that may have to be changed or the opposite of -- repealed.

Mr. Ferlo:

I think the presumption on Mr. Cohen's part -- and he can speak to it more eloquently than I -- is that if we vote in the affirmative now and lock in the reduction in the late fee, albeit with an April 1 deadline, that that then forces a situation where TCI is more likely to respond and supply the data that we have requested, as opposed to the Committee's recommendation, which is just defer it for the 30 day period, which we may be back at the same table without any additional information.

Ms. Shapiro:

I respect Councilman Cohen's position on that, but if I might, I would like to elaborate a little bit on the committee's reasons for their recommendations.

First of all with regard to the franchise fee, if you read the recommendation of the cable committee on September 23, there was great concern about Senate Bill 1822. Some of the provisions of that bill would, in fact -- for, instance if telephones have come in to the city --

Mr. Ferlo:

Telephone companies?

Ms. Shapiro:

Right. I am using the cable lingo.

Mr. Ferlo:

We are not all hip to the cable language.

Ms. Shapiro:

If telephone companies were to provide cable service in their own area, they very well may have been exempt from paying a franchise fee under that bill. Also, that bill may have disregarded public right-of-way issues. Now, that bill currently has not been passed,

but there will be a new version of that bill submitted. The committee is concerned that if other companies that would provide cable services come in, they may not be subject to the franchise fee, and yet the city, under the Cable Bureau, will have additional duties with regard to regulation, then where would the source of funds come for that? Also, because of the actions recommended with regard to the rates, there will be additional costs with regard to representation on appeals and outside consultants. Where will that additional money come from? That is one of the major concerns, except for the other concerns expressed at the table why we feel it is improvident at this time to recommend a reduction in the franchise fee.

As to the late fees, the reason that we suggested 30 days is because the rate -- the late fees do not come under the proviso of rate regulation; they come under the public service standards. If this Council chooses to adopt a standard that is more stringent that that provided by the FCC, and if TCI incurs additional costs in adopting that standard, TCI may pass those additional costs on to all cable subscribers, not just those paying that are responsible for the late fee.

At this time because we did not have the figures and because there was -- I believe the request that went out to TCI for some information was around November 14 and there was a short time period, although I can generally understand Councilman Cohen's position and I really empathize with it, we felt that it might be provident to give another 30 days to TCI to provide the information.

The rate that is suggested is based on -- as related to the revenues incurred from the late fees. And we are not clear at this time and I believe Councilman Cohen even mentioned during the cable meeting on Monday that this was basically an estimate as to what the late fee should be.

Mr. Cohen:

It is based on the information we have, because TCI has refused -- I want to make that very clear -- has refused to provide us with the information.

Ms. Shapiro:

I understand that. I am just concerned and the committee is concerned, and therefore, we felt that 30

days might not be too much of a delay in submitting the legislation to possibly get additional information, and if, in fact, that information is not forthcoming, then the committee does recommend that the resolution be passed.

Mr. Ferlo:

Just in closing, Mr. Chairman, I appreciate all the hard work that Councilman Cohen did on this, but I guess my bias is basically to support the recommendations of the advisory group, and that is three fold: One is to reject any notion in the reduction of the franchise fee; two is to delay and hold for four weeks, three weeks, whatever the 30 day period would be, the second bill on the issue of late fee; and three, to move today in final form on the approval of Bill 1392, which is acceptance of the rate filing action that Mr. Cohen has outlined.

The Chair:

Further discussion? Councilman Hertzberg.

Mr. Hertzberg:

Thank you, Mr. Chairman.

In discussing this whole issue of TCI -- and I am not going to get into the specifics of this legislation -- I want to premise everything I say first by indicating that I don't think TCI is some evil empire out there that, you know, is out there trying to gouge each one of us at every turn of the corner. I have some problems and I will indicate where I am on this.

I am very familiar with them. I drive by them every day. They are located within the City of Pittsburgh, within my Council district in the Sheraden community. They employ quite a number of people in the City of Pittsburgh, and I think our treatment of them today and in the years to come might determine how long they are located in the City of Pittsburgh or how long any particular cable operator is located in the City of Pittsburgh. We'd also be wise to keep in mind their plans. They are one of TCI's best facilities right now. They have plans for increasing and becoming a regional center and employing more people in our region that would handle complaints from the whole region, including places like West Virginia.

The other thing to keep in mind, a General Fund

observation about comparisons between the PUC and our function here today, there is a big difference, as I see it. PUC regulates things like gas and electric, which I think are much more the essentials of life than television. In fact, from what some of these psychologists and other experts are telling us about the changes in society and the level of violence that we see out there, it wouldn't be the end of the world if less people got TV than more people got TV.

Keeping all that in mind, we have three bills in front of us, the first one being the reduction in the franchise fee. I am going to be voting no on that bill. I don't see why we should gratuitously decrease our revenues for cable TV for some of the reasons I have already enumerated. I don't think we can afford to. We are sitting here with a very difficult budget, cutting left and right and we have revenue that we are getting from basically what is entertainment. TCI has described what they sell as entertainment and it is entertainment.

If people don't like their franchise fee, there is a real easy solution, or if they don't like anything about this process, there is one solution: Cancel your cable. You will survive without your cable TV.

Number 1391 is the late payment fee provision for cutting that in half. I am concerned with the fact that we don't have the necessary figures to determine whether those fees are reasonable or not, but I, too, am concerned that we are going to open the door to TCI to a dangerous process in which they can spread the late charge out amongst all of us, including those people that don't pay late, just basically everybody. I think to the extent people pay late, well, they do get a little bit of a penalty, but that is who bears it; just those who pay late. Although, I do want to continue to pursue the issue through the Cable Advisory Committee as they have been doing.

Bill No. 1392, I am in agreement with Mr. Cohen on that one and will be voting in favor of the rate increase on the basic rates for the future.

The Chair:

Are we ready? Do you want me to go around the table and we will end with you?

Mr. Cohen:

Thank you.

The Chair:

Councilman Ricciardi.

Mr. Ricciardi:

Colleagues, first of all, I am supporting all bills today proposed by Councilman Cohen and that includes the reduction of the franchise fees, for a number of reasons. First of all, I believe that is the right message to send out to our residents here in the City of Pittsburgh, and secondly, if we are asking TCI either to hold their rates or to cut back, we should be able to take the initial step. It is interesting how we can play with pennies, we can say it is 13 cents a month or we can say it is $200,000.00 a year back into the private sector, back into the private economy. That is how I am looking at it. We can also say it is few cents, but when people hear that the stamp is going up from 29 cents to 32 cents, you hear the uproar. So I am not looking at it as 13 cents, I am looking at it as a good message, very symbolic, and $200,000.00 into the private sector and the private economy. I believe our trust fund here in the City of Pittsburgh is holding firm. I believe that if any moneys -- well, I will put it this way: Let's just sell the art, as Councilman Ferlo says, and there is our $200,000.00.

Again, I am supporting all bills today, especially reduction in the franchise fees. I hope that comes up for a vote, I hope it passes on a five/three vote.

Mr. O'Connor:

I have a problem with that franchise fee because if we did lower it, what happens if our costs go and then we have to raise it? Nobody on Council will ever raise any rates.

But while we are talking about lowering it, is there a way, is that in the deal, can we increase our franchise rate? Because that is more money for us out of the same pot.

Ms. Miskovich:

No, sir.

Mr. Ferlo:

It is capped.

The Chair:

That is a good question. What about the 5 percent?

Ms. Miskovich:

There is a contract that is in place that was executed prior to most of us being here. The contract that was executed allows us to take 5 percent. If we want to increase it, that contract for our franchise agreement with TCI expires in 1999. We will be negotiating that, although 1999 is a few years away, we will be negotiating that next year and have our negotiations hopefully concluded by the end of next year.

The Chair:

Councilman O'Connor still has the floor.

Mr. O'Connor:

You see why I am saying nobody lowers their rates? Most franchises try to get a better rate for the benefit of the city residents, as you said, and we want to do more special programs, whether it be no school today, snow. Are you doing that, by the way?

Ms. Miskovich:

Yes, sir.

Mr. O'Connor:

So I don't have to listen to all the radio stations, I can just turn my cable on?

Ms. Miskovich:

Yes, sir.

Mr. O'Connor:

That is a good idea.

On 1391, cutting this rate in half, you did mention, Mr. Cohen, that it went up since we were allowed to regulate it?

Mr. Cohen:

That's right. It went from $3.00 a month to $3.15 a month, which, by the way, includes the franchise fee. Every charge that TCI charges its subscribers is subject to the franchise fee, not just the rate.

Mr. O'Connor:

When you say we regulate it, don't they have to come to us first? That is what I am saying. Do we have power or don't we?

Mr. Cohen:

We have the power. They did not file based on the late fee because they are only required to file for their rates and their rate increases.

But the FCC did give us the power to also control service and late fee is considered a service item, not a rate item.

Ms. Shapiro:

Correct me if I am wrong, but the fee was $3.00, but since the franchise fee is calculated on each charge, that is where the $3.15 comes from.

Mr. Cohen:

I am saying it includes the franchise fee.

Mr. O'Connor:

It is a late charge. How are we mixing franchise fees and late charges?

Mr. Cohen:

Franchise fee applies to every single charge that TCI has. If you have HBO, the franchise fee applies to that.

Ms. Shapiro:

That is where the 15 cents comes from. It is 5 percent of $3.00.

Mr. Cohen:

That is why it is a lot greater than 13 cents,

but I will get into that later.

Mr. O'Connor:

How does it go up? We say we regulate it, but they raised prices and we didn't know about it.

Is that your department? Mr. Cohen said we are allowed to regulate this, but it went up.

Ms. Shapiro:

I am not clear. I believe it went to $3.00 -- and I don't have a chart in front of me -- in 1992 before regulation. I believe it has been $3.00 for a couple of years.

Mr. Cohen:

On January 1, 1993 it was $3.00. On September 1, 1993 it went up to $3.15, including the franchise fee.

Ms. Miskovich:

It was at that point that City Council stepped in, September 1st, 1993.

Mr. Cohen:

No. We started regulation in June of 1993, that is when our first bill was to regulate cable.

Ms. Miskovich:

Made effective September 1.

Mr. Cohen:

We filed for certification on September 1.

Ms. Miskovich:

We entered the picture on September 1.

Mr. Cohen:

No, I disagree with that. Not that it matters, but just for the facts, we, City Council, entered the picture in June of 1993 when we introduced the first legislation to regulate cable.

Ms. Miskovich:

Which became effective September 1st.

Mr. Cohen:

It became effective October 1st because we had to file with the FCC in September.

Ms. Miskovich:

That was the 30 day period.

Mr. Cohen:

But we sent a pretty clear message in June.

Mr. Cohen:

If they raise this rate again, will we know about it up front? From now on we regulate this, so they cannot raise that without our approval?

Mr. Cohen:

No, not when it comes to late fees. As I said before, a late fee is considered a service item. Therefore, we do have power to regulate it, but it is not like a rate situation where they have to file forms with us. This is put out by the FCC, and like much of what is put out from Washington, it doesn't completely -- we have Mr. Wormser here who is an expert on this subject, so rather than me try to answer that, maybe Mr. Wormser can come up.

Mr. O'Connor:

I go into Mineo's pizza and these guys beat me up over the cable charges and I am tired of it and I would like to know if I can regulate it.

Mr. Cohen:

Yes. If you want to regulate cable and the skyrocketing prices of TCI, 120 percent on basic, 125 percent in expanded basic over the last six years, then you should vote for these bills, because that is what it does.

We have the right. I don't know how much clearer I can make it. We have the right to regulate the late fee because it is a service item.

Mr. Wormser:

It is a customer service item, it is not considered an element of service, for example, like the rates for basic service or the rates for expanded basic or the rates for equipment. It is not something that falls under a rate regulation authority, as such. But you do, as a franchising authority, have an opportunity to establish customer service standards. The standards that you have on the books relate to -- currently relate to how quickly they have to answer their telephone, what sort of telephone availability they have to have, service intervals for when you call in for repair on your service, how quickly they have to respond.

Mr. O'Connor:

They have to justify that cost to us, their service cost?

Mr. Wormser:

We are speaking of late fees now or which?

Mr. O'Connor:

What you said about the service, picking up the phone, they need five people, ten people.

Mr. Wormser:

No. The service standards are separate from the rate-making authority. We don't talk about costs unless and until --

Mr. O'Connor:

Let me make it real simple. What am I allowed to charge them or not?

Mr. Wormser:

You are allowed as a matter of customer service standards to specify the amount that they can charge for late fees. The one caveat that we have mentioned each time this issue has come up is if you cause them extra expense, and that would include additional bad debt expenses or additional finance charges for the extra dollars they are carrying, they are allowed to flow that back to basic rate.

Mr. O'Connor:

So if we said no late charges, we want to look like good guys, no late charges anymore, they would just pass it on to their rates, anyhow?

Mr. Wormser:

They would be within their rights under the FCC's rules to take the incremental expenses that they incur as a result of that and pass it on in the form of a general rate increase, that's right.

Mr. O'Connor:

So we have the power, Mr. Cohen, of saying, "No late charges," but yet, they can pass it right on.

Mr. Cohen:

That's right.

Mr. O'Connor:

So what Mr. Cohen is asking -- so we are, I guess, partners with them and we should come to an agreement, because if we cut it in half as you are suggesting, if they don't agree to that or can prove otherwise, they can pass it on.

Mr. Cohen:

They can't just pass it on. They have to submit it to City Council for our approval.

Mr. O'Connor:

No. They can pass it on to the regular rates.

Mr. Cohen:

No, they can't pass on through the regular rates.

Mr. O'Connor:

He just said they could.

Mr. Wormser:

They would be required to file a Form 1210, which is a rate increase request, and the city would

have an opportunity to investigate the charges that they were passing through.

Mr. O'Connor:

So the only way we can justify what Mr. Cohen is alluding to is to bring the cost down, to agree with him, and then if they would want to question that, they would have to bring the proof to us?

Mr. Wormser:

They would have to bring the proof to us, that's right.

Mr. O'Connor:

So far as he is suggesting, they are not doing that.

Mr. Wormser:

They have not yet come forward with the kind of information that would allow this Council to act with the perfect information we would all like, that's right, whether it is because they don't have it or they haven't made it available.

Mr. O'Connor:

By supporting that, then, we will lower the rates, we lower the late charge, and if they can justify it, then, it will be a wash somewhere else?

Mr. Wormser:

And most likely they would justify it in the context of actual experience. If the reduced late charge goes into effect on April 1 and they can show that after that date, for reasons relating to the reduced late charge, their delinquency rate went up and their bad debt expense went up, those dollars is what you would expect to see flow through.

Mr. O'Connor:

As our Cable Advisory Board, and I see you are recommending -- I know this came out in Council before -- why not have a later than 20 days late charge; 30 days, 60 days? You are recommending 30 days.

Ms. Shapiro:

What we are recommending is that TCI be given an addition 30 days to provide information so that an accurate late fee can possibly be calculated. If at that time TCI has not provided that information, then we recommend a reduction in the late fee.

Mr. O'Connor:

Has there been any request to them instead of 20 days, 30 days or 60 days?

Ms. Shapiro:

There have been a lot of requests at various times. But there is also the flip side of the argument that comes back to us as far as changing that. It is really up to them. Right now as it stands, unless you change the customer service standards, they can charge whatever they want for the late fee.

Mr. O'Connor:

Somebody, a bad customer or a customer that has a problem, goes out of town, whatever, can short the cable company of TCI, is 30 days, it is 20 days really. So if I don't pay my cable bill January 1st, then within 20 days, what happens?

Ms. Shapiro:

They will tack on a late fee.

Mr. O'Connor:

When do they shut my cable off?

Ms. Shapiro:

That is their company policy and I honestly can't say the time frame.

I believe they are flexible as far as receiving calls explaining that there are extenuating circumstances, so I don't believe that they will shut your cable off after 20 days or even 30 days. I believe sometimes they have gone as far as -- do you have any information on that, Deborah?

Ms. Miskovich:

It is my understanding they do it after two months.

Mr. O'Connor:

If you are 60 days late, then you get shut off?

Mr. Ferlo:

It is before 60 days.

Mr. O'Connor:

No further questions.

The Chair:

Councilman Ferlo, I hope it is brief.

Mr. Ferlo:

The issue of the late fee -- and I am going to vote in favor of the legislation today, however -- the issue is not whether or not we have the power to decide on a late fee, because I believe we clearly do, the issue is not whether or not -- the issue to me is really what will be the impact of our decision should we lower the late fee. To that extent I have two concerns which others have, expressed also. One is will that burden be directly passed on to everybody else who pays their bill on time; if so, I don't think that is fair and I am not sure that that is the appropriate action that we want or the intended action that we want to happen. Secondly, and from an historical point of view, the previous company that ran this, Warner Cable, had a significant problem, maybe others can speak to this, around bad debt collection. I don't want to create a situation where TCI, which is obviously a healthy company and for the reasons that Mr. Hertzberg stated also earlier about their role here in the city as a company and an employer, I don't want a situation where on this little bit of money, although it is significant to anyone's bill, we create just a bad business situation for the company in terms of how they operate, because if that is going to happen, it is not worth -- I personally don't favor lowering that if the intended action is the two things I am just outlining. The problem is it is hard for to us evaluate whether or not that is going to happen.

I am going to vote in favor of Mr. Cohen's bill with the April 1 deadline so we can get the additional information and know whether or not we think the intended action is going to be what it is going to be. Maybe that is less clear than what it was before.

The Chair:

Let me throw my 2 cents in, then we are going back to the sponsor of the bill.

Mr. Cohen:

His 13 cents in.

The Chair:

My 13 cents in, whatever.

First of all, I want to thank Councilman Cohen for spending probably months on this issue, and he literally has done it himself and kept Council informed. It worked well, that system. I apologize at the same time that I didn't have a chance to review at the last minute all three of these, mainly because of my schedule. But I am ready to support 1391 and 1392 today the way they are. 1390, if it is going to be brought forward today and not a hold motion or something, I will probably abstain just so I can ask more questions before I vote on it. But I am ready to vote for those two if we are going forward, and that is the last two. I will reserve my vote probably for the franchise fees until I review it with everyone.

Mr. Cohen:

Thank you very much. I appreciate everybody's comments.

As far as the late fee is concerned, we did ask TCI at the evidentiary hearing on October 20 to provide us with their cost information. It is on tape. So for the members of TCI who are there shaking their heads, I will be happy to review the tape with them.

We also had a letter on November 14, 1994 asking them that and we have not received it yet. So we are put in a situation where we have to take an action without receiving all of the information. That is why I am leaving a door open, and the door open is saying this won't go into effect until April 1st. If the late fee of $1.58 does not reflect your costs or is less than

what reflects your costs, then please provide us with that information and we will be happy to adjust it accordingly. But until then, I would suggest that we move ahead with this.

As far as the franchise fee is concerned, I don't want to get bogged down in that issue, because I think the major issue is do everything we can to control TCI's rates and improve its service. But at the same time, there is an important issue here, it seems to me, and that is -- by the way, I respectfully disagree with Deborah Miskovich's numbers for the typical cable subscriber. Again, this is not a huge amount, but for the typical cable subscriber, it is not 13 cents a month, it is 23 cents a month for an expanded basic subscriber or $2.78 per year. Again, it is not a hugh amount, but there are also a lot of people out there who have premium channels. The franchise fee applies to everything. There are people who have cable bills, typical people that have cable bills in excess of $60.00. For somebody who has a bill that high, their franchise fee is -- they would save $7.20 a year by this decrease.

Remember, every time TCI raises its rates -- this was pointed out to me by Councilman Ricciardi -- every time TCI raises their rates -- and historically, folks, they have gone up like that, (indicating) -- our franchise fee revenue goes up, because our franchise fee applies to everything; rates, service, installation, everything.

The franchise fee, by the way, was 3 percent. For the first eight years of cable in Pittsburgh, the franchise fee was 3 percent, not 5 percent. There is nothing holy about 5 percent, there really isn't. And the Cable Bureau itself before Deborah Miskovich came here -- so I am not directing this at her, but the Cable Bureau itself -- like all government agencies has expanded considerably. In 1989 its budget was $1.31 million; today it is $2.16 million. So it is growing, growing, growing just like virtually every agency of every government at every level.

What I am saying is that we can cut back this franchise fee in a way that will not significantly hurt the Cable Bureau.

I have passed around to everybody what the current operating budget of the Cable Bureau is. Thanks to Deborah Miskovich, they have been able to lower their costs for next year from $2,160,000.00 last year to

$2,032,000.00 in 1995. That is a savings of $130,000.00. Okay? Already that is in effect for next year a savings of $130,000.00.

I have also passed out a memo, just a chart that Deborah Miskovich provided to me upon inquiry, which is how much money is in the Cable Communications Trust Fund. There is at least $62,000.00 surplus in the Cable Communications Trust Fund. If you add that to the $130,000.00 of savings for next year, you get $192,000.00. The cost of this action of reducing the franchise fee is $200,000.00. So all we would be asking then is for the Cable Bureau of find another $8,000.00, and in a $2 million budget, I think they can find $8,000.00.

As far as the issue of the franchise fee going into the General Fund, that is just a policy difference that I have with the Administration. The franchise fee was never intended to be a tax, it was intended to be a fee that would be used to fund our Cable Bureau so that we could broadcast this meeting and broadcast other city activities, city government activities. If we are using it in the General Fund, then it is a false tax and it should not be a false tax. We should be honest with the people of Pittsburgh and have the franchise fee only reflect what our Cable Bureau spends.

So for that reason, I would very much encourage other Councilmembers to reduce the franchise fee and send a message. The message is not only are we putting pressure on TCI to control their rates, we should put pressure on ourselves to control our own rates.

Ms. Miskovich:

I have a response.

Mr. Ferlo:

Mr. Chairman, I have a --

The Chair:

Hold it, we have a couple of responses. First I will give it to my colleague, then allow the Director to respond.

Mr. Ferlo:

Just to get on this franchise fee, to Mr. Cohen, if the ninth floor cable operation went to

rent a building in the Porter Building or USX on Grant Street, they would be spending $16.00 to $22.00 a square foot. There is nothing inappropriate with indirect cost recovery to recoup city government operating budget's relationship to the operation and presence of a Cable Operation Bureau. I just wanted to clarify that. That is basically what that income returning to the General Fund is, whether it be for employee benefits and the related costs, the rent and existence in a public facility, things of that sort.

Mr. Cohen:

If 73 percent is going into the General Fund, we have a problem.

Mr. Ferlo:

That is a different issue.

The Chair:

Director, I said you could respond. Hopefully we can keep this brief and we will get on with the vote.

Ms. Miskovich:

With regard to the figures that I submitted to you specifically referencing the 13 cents per month, in all due respect to Councilman Cohen, my figures are not only accurate, they are perfect. My figures are based -- you may recall, Councilman Cohen, that in reviewing your charts, you based all of your charts on an average billing per subscriber of approximately $23.00 per month, the figure of 13 cents. There are, however, individuals who pay $40.00 per month who have expanded basic plus additional premium channels. The figure of 13 cents per month is based on a bill of $25.00 per month, it is not even based on the $40.00, $30.00 bill per month. It is based on $25.00 per month charge per subscriber. In a $41,063,528.00 revenue from TCI, all figures which we received from our paid accountants, not my figures, as a current subscriber base of 104,852 individuals, which does, in fact, result in 13 cents per month, $1.56 per year, $7.80 if it were to run over the five year remaining basis.

With regard to the minimum statement, I would also remind you, as Miss Shapiro alluded to, there are other individuals offering to provide video dial tone. You have all heard of MCI, Penn Access, Bell Atlantic all addressing video dial tone, all addressing

additional cable services. Those individuals under the current ordinance would be subject to the 5 percent franchise fee, as well, which would be additional income. So when you look at this ordinance, do not be so isolationist as to view it only in terms of TCI and whether or not you agree with TCI's business practices, but the impact of any franchise provider within the City of Pittsburgh.

With regard to the balance in the trust fund, Councilman Cohen is correct, I should have a balance, unlike in the past. Over the past eight months which I have been with the City of Pittsburgh, we will have a balance of slightly in excess of $60,000.00 than what was budgeted for by Council last year, and that money will go into the General Fund for direct costs. I will not use it to supplement my 1995 budget. My 1995 budget is what I came to this Council table and requested. Any additional funding should go where it belongs, which is into the General Fund.

As Mr. President pointed out, we do, in fact, maintain our Bureau of Cable Communications on the ninth floor of the City-County Building. The Bureau of Cable Communications is also manned and operated 100 percent by City of Pittsburgh employees. The indirect cost figure is not an additional tax to the City of Pittsburgh or to supplement any tax revenue, but on the contrary, the indirect costs that we pay into the City of Pittsburgh pays 100 percent of the salaries of the City of Pittsburgh employees that operate the Cable Bureau, pays for all of the utilities that are used on the ninth floor, pays for all of the equipment, all of the office supplies and any other operating costs including but not limited to the closed captioning. I would point out to you all that we added that because we are the only cable provider that also addresses the special needs of individuals within our jurisdiction.

So again, although I concur with Bill No. 1392 and 1390, I would respectfully request that you all rethink your positions with regard to the franchise fee and that that bill not be passed.

The Chair:

Thank you. Councilman Hertzberg.

Mr. Hertzberg:

Thank you, Mr. Chairman.

Mr. Cohen, I do agree with you on the idea that to the extent this franchise fee is used for our General Fund, it is, in effect, a tax, I have no problem with that. I have no problem at all with a tax on cable TV. I think that is one of the kinds of things we should be taxing. If we are going to have to tax people, let's not tax them on the real estate they own. Maybe we can tax them on something like this. Look at the tax you pay on cigarettes, right? Look at the tax you pay on alcohol. I don't think it is the end of the world that there is a tax on cable TV, I really don't.

Mr. Cohen:

I don't think it is the end of the world there is a tax on cable TV, I think it is not good if the tax is higher than what the Cable TV Bureau requires.

Mr. Hertzberg:

I think if given our situation with our budget, that the Mayor were to propose a tax reduction right now in any particular tax that we charge, I think everyone would look at the Mayor and say, "It sounds great, but is that really responsible?" That is how I am looking at this.

The Chair:

Okay. I think we can call the question now.

(End of remarks.)
Transcribed by: Helen L. Kriebel
Stenotype Reporter

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December 12, 1994



Jacqueline Morrow, Esq.
City Solicitor
Law Department
City of Pittsburgh
City-County Building - 3rd Floor
Pittsburgh, PA 15219

Re: City of Pittsburgh Development Fund

Dear Jacqueline:

You have asked us to confirm our conclusions with regard to the legality of certain actions proposed to be taken by the City of Pittsburgh ("City") in connection with the establishment of a development fund (the "Development Fund") by the Urban Redevelopment Authority of Pittsburgh (the "URA"). Please be advised that we have reviewed the proposed actions and have concluded that the City may legally take such actions. The actions to be taken by the City, which are described in more detail in the proposed City Council Resolution attached hereto, are the following:

1. The City will assign to the URA, over a twenty year period, a portion of the amounts the City is entitled to receive from the proceeds of the one percent sales, use and hotel excise tax imposed pursuant to Pennsylvania House Bill 659 (P.L. 529, No. 77 approved December 22, 1993) ("Act 77"). The tax imposed pursuant to Act 77 is referred to hereinafter as the "RAD Tax" and the amounts to be assigned by the City to the URA, which are specified in the attached resolution, are referred to hereinafter as the "Assigned Receipts." The URA will issue taxable bonds in the aggregate principal amount of approximately $60,000,000 (the "Bonds") and pledge the Assigned Receipts to the trustee for the owners of the Bonds (the "Trustee") to pay debt service on the Bonds. The Bonds will be secured solely by the Assigned Receipts and not by the Development Fund (into which the proceeds of the Bonds will be deposited) nor by any loan or other repayments into the Development Fund.

2. The City will enter into an "intercept agreement" irrevocably directing the Treasurer of the Commonwealth of Pennsylvania (the "State Treasurer"), which under Act 77 is custodian of the RAD Tax proceeds after they are collected and

paid over by the Pennsylvania Department of Revenue, to pay the Assigned Receipts directly to the Trustee. Such direction will not be subject to change or modification without the consent of the Trustee. We have had discussions with representatives of the State Treasurer with respect to this transaction, and they have expressed their willingness to enter into such an intercept agreement subject to their receipt and approval of formal documentation.

We note that the proposed financing structure described above parallels in many respects a 1994 financing by the Pennsylvania Turnpike Commission ("PTC") in which a similar "intercept agreement" was used to divert a specified revenue stream for payment of debt service on bonds. In that transaction (for which we served as bond counsel), the PTC directed the State Treasurer to pay certain tax revenues appropriated by law to the PTC (a portion of the Commonwealth's revenues from its oil company franchise tax) directly to a bond trustee to secure payment of principal and interest on bonds issued by the PTC. The bonds were secured only by such tax revenues and were not secured by other Turnpike revenues such as toll revenues. The State Treasurer agreed to the diversion of such tax revenues and indicated at the time that they had agreed to similar intercept agreements on previous occasions (for example, in a 1993 financing in Philadelphia secured by SEPTA tax revenues). We note that other Commonwealth agencies (including the Department of Revenue and Department of Transportation) also approved the intercept arrangement in the PTC transaction.

As is customary in transactions of this type, we will issue a formal legal opinion to the Trustee and the holders of the Bonds at the closing of the issuance and sale of the Bonds by the URA to the effect that such actions by the City are permitted under applicable law. Such an opinion will be a condition to the closing so that the Bonds will not be issued (and the City will not be obligated to take these actions) if the opinion cannot be rendered.

Please do not hesitate to call us with any questions regarding this matter.

Very truly yours,

COHEN & GRIGSBY, P.C.

By: Charles R. Brodbeck
Charles R. Brodbeck

CRB:CJR/alh

cc: Steve Leeper
91207

MUNICIPAL RECORD

Proceedings of the Council of the City of Pittsburgh

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Municipal Record

ONE-HUNDRED TWENTY-EIGHTH COUNCIL

JIM FERLO.....President
LINDA M. JOHNSON-WASLER.....City Clerk
KURT J. SALAC.....Asst. City Clerk

Pittsburgh, PA
Friday, December 16, 1994

PRESENT:

Mr. Cohen	**Mr. O'Connor**
Mr. Cusick	**Mr. Onorato**
Mr. Hertzberg	**Mr. Ricciardi**
Ms. McDonald	**Mr. Ferlo (Pres't)**

The Chair:

Good morning. City Council's Special Legislative Session for the purposes of voting on the final City Budget will now come to order.

Would you please rise for the Pledge of Allegiance and please remain standing for a moment of silent prayer so that we may have peace throughout the world, and happy holidays.

"I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with Liberty and Justice for all."

REPORTS OF COMMITTEES

The Chair:

Thank you very much. At this time we will have a Report of Committees. Committee on Finance, Councilman Onorato.

Mr. Onorato:

Mr. President.

The Chair:

Thank you, Mr. Onorato.

MR. ONORATO PRESENTED

Bill No. 1428

Report of the Committee on Finance for December 14, 1994, transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 1338

A Resolution entitled, "Resolution making appropriations to pay the expenses of conducting the public business of the City of Pittsburgh and for meeting the debt charges thereof for the year beginning January 1, 1995."

Which was read.

Also,

Bill No. 1339

A Resolution entitled, "Resolution fixing the number of officers and employees of all departments of City of Pittsburgh and the rate of

compensation thereof for the year beginning January 1, 1995."

Which was read.

Also,

Bill No. 1340

A Resolution entitled, "Resolution adopting and approving the 1995 Capital Budget and the 1994 Community Development Block Program and approving the 1995 through 2000 Capital Improvement Program."

Which was read.

The Chair:

You have heard the reading and titles of the bills, the Operating Budget, the Capital, as well as the Federal Community Development Block Grant, is there any discussion or comments at this time on the bills? Mr. Ricciardi, do you have a comment?

Mr. Ricciardi:

Thank you. Just very briefly, I will be supporting the two budgets in its entirety. I would like to thank our Finance Chair, Mr. Dan Onorato, all Members of Pittsburgh City Council and the Administration. These are very difficult times, very difficult times in terms of budget restraints, constraints. I think we have done a very good job in passing a budget that will continue to deliver services to our residents with no tax increase and at the same time which is beginning to reshape and re-invent City Government, and that is, to eliminate redundancy, fragmentation, in order to best serve our residents.

So, again, I would like to thank the Mayor, Dan Onorato and all Members of City Council for a budget that I am very pleased and proud to support here today.

The Chair:

Thank you, Mr. Ricciardi. Members of Council, notwithstanding my colleagues' actions, the majority, overall majority's opposition to my concerns and actions relative to my position on the transfer of activities to the Water and Sewer Authority, I would respectively ask at this time that my colleagues consider the amendment that is on the table, maintaining whole the Water Department and related salary and expenditures for a several week period into the new year, adding to the Operating Budget; it is a revenue neutral amendment making whole the Operating Budget as it relates to current operations with the income coming from transfer of rate payers income from the Water and Sewer Authority. It does add to the budget but it is a revenue neutral item.

I would respectfully ask that we give consideration to that. To explain it very briefly, I think you are aware of, by now, I have submitted a petition signed by a number of Pittsburgh residents, most of them just within one of my communities, in Lawrenceville, requesting a public hearing on the Administration's plan to turn over all the responsibilities and control relating to the water and sewage in the City to an independent authority.

Under Pittsburgh's Home Rule Charter, the effect of the petition is that until a public hearing takes place, the transfer of complete power to the Water and Sewer Authority cannot take place.

I am issuing this statement so that residents and taxpayers in the City will understand my position.

First of all, I want to state that I applaud Mayor Murphy and his Administration, Mr. Ricciardi and others, for their efforts at attempting to find innovative solutions for the City's fiscal problems; however, I am deeply concerned that fast tracking a transfer of municipal power and legislative authority to an independent body over which the City Council has no direct control, may be ill-advised.

Councilmembers were asked to vote on a complicated Cooperation Agreement on Wednesday, December 14th, 1994, in the midst of a complex budget deliberation process which was not delivered to us for study or review until the day before the vote was called, which would have been Thursday, December 13th. I feel that to safeguard the interest of residential and commercial rate payers in the City, we need additional time to adequately address issues, such as how rate increases will be handled, how customer service

will be handled, what mechanism will be available for customer complaint mediation, how the bonds, future bonds, will be let out, how large and what kind of Administrative cost there will be at the Authority, which we will no longer have, legislatively, oversight of.

Moreover, there are probably many other issues of greater impact on rate payers here in this City, both residential and commercial, which I am not aware of and with the hurried full court press in the middle of budget deliberations, myself and my colleagues have just not had time to consider.

I think that we need additional time to review and study the Public Utility Commission Regulations, to ensure that all possible safeguards for rate payers are built in to the Cooperation Agreement.

I am also concerned about turning over control and responsibility to an independent body, which we know in the past has wasted several million dollars on a Hydroelectric Study and wasted several million dollars on a Highland II Construction Project, which is now leaking.

With such blatant obvious history of abuse of rate payers' money, this City should at least have the benefit of a Performance Audit evaluating the Water and Sewer Authority's past action and their utilization of the over 200 million dollar bond fund they were given when they were originally created. Unfortunately, no such Performance Audit, to my knowledge, has ever been performed.

Needless to say, to amass and assess all this information will take some time, that is why I have requested a public hearing and others from my community, to at least allow some of these concerns to be publicly debated before we give away the proverbial firm.

I have asked repeatedly why there is such a rush to abrogate all of our responsibility and control over water and sewage in the City and to date I have not received an answer. I am asking that City Government practice due diligence and ensure that the interest of residential and commercial rate payers are adequately protected.

I would ask for consideration for this. I would propose that we move expeditiously on the hearing, with a January 10th hearing date on the Water and Sewer Authority Cooperation Agreement issue, which is Bill 1420, and Bills 1394 and 1395, in relation to transferring the Residential Sticker Parking Program and the Parking Patrol Enforcement issue, would be the next day, Wednesday, January 11th. I would also ask to move expeditiously, that we quickly, following that hearing, entertain both a Standing Committee vote and a Recessed Legislative vote, so that final action can be January 18th, to allow a 14-day Notification Process to the Collective Bargaining Unit prior to the January 31st constraint.

And, I would respectfully ask that my colleagues consider this, notwithstanding their opposition and whatever manner you characterize my actions today.

Mr. Ricciardi.

Mr. Ricciardi:

Thank you, Mr. President. Since the amendments are not before us today, they were not moved, I would like to briefly say –

The Chair:

I think you have the amendments on the table there.

Mr. Ricciardi:

Were they moved?

The Chair:

I would ask a motion to move for purposes of discussion.

Mr. Ricciardi:

Well, since they were not moved, I would just like to make a comment on your dialogue.

The Chair:

I am asking that a motion be made for purposes of discussion on the Water and Sewer Authority. Is that a motion?

Mr. Cusick:

I will make the motion.

MR. RICCIARDI seconded the motion.

WHICH MOTION PREVAILED.

The Chair:

Discussion on the motion.

Mr. Ricciardi:

Concerning your comments, Mr. President. First, I would like to say, I look forward to the public hearing. I will attend the public hearing. But, let's keep in mind that these deliberations were not made in private or in secrecy. We have been discussing this particular motion, that is, or decision, for the Pittsburgh Water and Sewer Authority to go operating for some time now, during our budgetary hearing that we had approximately a month ago, which was televised, we had the majority Members of City Council at that meeting, unfortunately you were not in attendance, Mr. Ferlo, and we have been discussing it. The public has been well aware of our decision here.

You have made mention in your remarks some waste, and I agree with you on that part because I have also discussed that, as you know, but that is the reason we discussed an operating Authority, and that is, again, to eliminate redundancy, fragmentation and bring all sectors of City Government to make a decision on the delivery of water and the upkeep of our sewers under one branch, also keeping in mind that the Pittsburgh Water and Sewer Authority always did fund all these activities.

Concerning the amendments today, I am not going to have any discussion, I will be voting "no" however.

The Chair:

Mr. Cusick.

Mr. Cusick:

Yes. First of all, I would like to explain my reasoning for going ahead and making the motion, and that is three reasons: I want to be made sure that my comments are known to the public and to the Water and Sewer Authority Board and to my colleagues. That is, I have never said that I am against the transfer of the Water Department to the Water and Sewer Authority. Amendments were made the other day from Councilman Ferlo in regards to and whether or not there should be a public hearing in the case of rate increases or and in bond issues. I did not agree with two of those amendments, those were, the bond issue, whether or not we should hold a televised public hearing on bond issues. I do not agree with that.

I offered to this body that I would vote -- I would hope that they would consider televising public hearings if there were rate increases. This body refused to -- well, they voted that amendment down. For that reason, I thought today that it would be appropriate that the public should have some input in the Cooperation Agreement; therefore, I agree with Mr. Ferlo, that I feel that we should have a public hearing.

I believe that we are going to transfer an important part of City Government to the Water and Sewer Authority; I believe the people of the City of Pittsburgh should have some say so in that transfer. For that reason, I am going to vote along with Councilman Ferlo today.

And, again, remember, I never said I disagree with the transfer, only that I feel that the public should have some input, they should be telling us what they would like to see also in this Cooperation Agreement because I feel we were all elected to make sure that the water rates of the City of Pittsburgh and the Water Department were overseen by this body. And, for that reason, I will be voting along with my colleague Mr. Ferlo.

The Chair:

Just in response. If a majority of you do not support the amendment, that is their prerogative. I just want to make it clear and I would ask that you remove the politics of the moment, setting aside the issue of whether or not Jim Ferlo, as an elected Councilmember, who feels strongly about a policy issue, not a personality clash, as the Deputy Mayor has suggested, but a policy issue, setting that issue aside of the fact that I submitted a petition and pretend that an average

rate payer or citizen or an employee or anyone else, pursuant to the Home Rule Charter, dictates, submitted a petition, I would suggest that we have a statutory framework in which we must conduct a public hearing process.

So, I just want to make it clear, if this does not pass today, if there are layoffs or if there is some issue involving individuals not working past December 31st, please don't call Jim Ferlo because that is not what I have proposed here today, and that is what the amendment on the table is about.

Councilman Hertzberg.

Mr. Hertzberg:

Thank you, Mr. President. This issue of authorities is really not something that has just happened over night, I mean we have hundreds of different authorities within the Commonwealth of Pennsylvania, they have been in existence, new ones are created occasionally in different municipalities, and the two that we have been talking about here in Pittsburgh are not new, the Parking Authority or the Water and Sewer Authority, but the way they have existed over the past few years has been that they have not really had full authority over their subject matter, and the big picture for me is this, as long as we are going to have these authorities, they should have full power over their subject matter, whether it be parking or whether it be water and sewage, and if they are not going to have full power over their subject matter, then we ought to get rid of them altogether, and I think it is about time that they had full power over their subject matter. And, that is the case with the Water and Sewer Authority, where they have been dealing with about ten percent of what they should be dealing with, we are now trying to give them a hundred percent power over water and sewage. And, I will be voting with Mr. Ricciardi on this.

The Chair:

Other comments or discussion? Hearing none, the amendment is now ready for final action. What is the pleasure of the body. Roll call vote.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cusick	Mr. Ferlo (Pres't)
AYES 2	NOES 6

VOTING NO:

Mr. Cohen	Mr. O'Connor
Mr. Hertzberg	Mr. Onorato
Ms. McDonald	Mr. Ricciardi

The amendment having failed to receive the required number of votes is defeated.

The Chair:

The amendment fails.

On the bills, relative to final action on the budget, the Operating, the Block Grant or the Capital, any other discussion? Mr. Cohen.

Mr. Cohen:

Thank you very much, Mr. President. I also want to commend everybody who has worked so hard on this budget, from Mayor Tom Murphy who presented it to us and the Budget personnel over at the other side of the hall, who put together a budget with no tax increases, significant cuts and consolidations.

To this Council. First of all, Councilman Dan Onorato, who I think performed an admirable job as Finance Chair this year and particularly in the last few weeks. Our Council meeting on Wednesday was the longest Council meeting that I can remember in my five years now on Council and I thought Dan did an excellent job of getting this budget through.

I also want to commend our Budget Office, Mr. Dave Keller, John Mascio and Mary Jane Erdel, for doing such a terrific job, and all my colleagues. This is yet another year without a tax increase of a City Government Budget and I think that we can all be proud of that, given that we still have an eroding tax base in the City of Pittsburgh. I think Mayor Murphy's plan to expand that base through the Development Fund and other initiatives will put us in a better position next year, but we still are in a position where it is difficult to come up with a balanced budget and we have done

it this year, we have done it without a tax increase and I want to thank everyone involved.

The Chair:

Thank you, Mr. Cohen. Other discussion?

I want to make it clear, I am voting "no" on the budget today, the Operating Budget, only for the specific issue that it is not made whole relative to the operations of the Water Department for a several week period into the month of January of 1995, until such time that there is a resolution to Bill 1420 on the Cooperation Agreement. Otherwise, I applaud everyone's initiative on the budget, and I support it wholeheartedly.

Any other discussion? Roll Call vote. City Clerk.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. O'Connor
Mr. Cusick	Mr. Onorato
Mr. Hertzberg	Mr. Ricciardi
Ms. McDonald	Mr. Ferlo (Pres't)

AYES 8 NOES none

(MR. FERLO, PRES'T, VOTING "NO" TO BILL NOS. 1338 AND 1339)

The bills having received the legally required number of votes are passed finally.

The Chair:

We have an Operating Budget and a Capital Budget for 1995. Thank you.

Councilman Onorato, as Finance Chairman, if you would like to come forward and address Council and the public.

Mr. Onorato:

Thank you, Mr. President. First, let me thank my colleagues. This has probably been, I would think, the toughest budget since I have been here for a lot of reasons. Before I get into that, I want to make sure we do thank everybody, from the Mayor sending it over, to our Budget staff, John, Dave, Mary Jane, they have been working for months on this and what people do not realize is they work for all of us and they have nine bosses going to them with nine different agendas and nine different issues and somehow the machines of elected officials turns out a solution and that is what I have been trying to monitor over the last couple of weeks.

I would like to also look at our new colleagues, Mr. Hertzberg, Mr. Cusick, who came on at the same time. This is your first budget and I want to thank you for your valuable input and your affect on the budget. And, to Councilwoman McDonald, you probably are the only one that has been sworn in this close to a budget vote, and I want to commend you for jumping in and catching up to speed on all of the tough issues of this year, which were new, and for your valuable input, not only for your district but for the entire City because you did have an impact with the other seven Members of City Council here.

I want to commend everybody for dealing with some very important issues: One, the Development Fund, which is supported by unanimous vote of this body, along with the Mayor.

I also want to talk about some of the issues where this Council was split, there were views on both ends, extreme, dealing with the Food Hunger Trust Fund but we somehow came to an agreement, a compromise, on all those views and no one was wrong and no one was right. Everyone's opinion on that I thought had a legitimate reason for arguing their point, from reducing funding because they believe more in the youth initiative or because they believed more in the private sector donating it, to increasing funding because of the economic times that we are in. There is no right answer. What there is is the ability to debate, have public hearings and have the citizens come down here and tell us what they think and lobby us.

And, I think we came to a pretty good compromise with the amendments and dealing with the Hunger Trust Funds, dealing with the safety programs, dealing with small grants.

Whatever the issue might be, we dealt with those issues, and I believe right now we have a very strong budget. And, dealing with those issues, always in the background is the line that we were not going to raise taxes. We agree with the Mayor, and we want to keep this City, as the Mayor puts it, open for business and the only way to do that is to hold the line on taxes and to keep us competitive with the surrounding area and the region.

The other issues, dealing with the transfers to the Authorities, both the Parking and the Water Authority. Once again, some controversy, some difference of opinion. Mr. President, I definitely respect your passion on the issue and your arguments and I respect the other side and people that were a hundred percent behind the transfer. We debated the issues, we took a vote and we move forward from this point, and that I would hope that for whatever side of the opinion you are on, win or lose, that the majority has spoken, we move forward and we address the issues that were raised, regardless if they were put in through an amendment or they are still out there, we still have to deal with these issues and the concerns. We have an Authority that has open meetings. I would hope that anyone would address that Authority to discuss some of these issues, but they are definitely not closed.

As I stated on Wednesday, one thing we have is a bully pulpit, and this Council has never been shy to argue an issue, even if it deals with an Authority. A lot of you know that I am very critical at times of some of the things that happen at ALCOSAN that directly affect my neighborhood; however, I respect that it is an Authority, a separate Authority, but we have a right to make arguments and show up at meetings and to debate the issues there also, along with our residents.

Let me just end by saying that now that the budget season is over and that the budget – pardon me? Yes. Well, I already did earlier, but Councilman Ferlo -- once again -- and it does not hurt to do it twice. After thanking the Budget staff, I want to make sure I thank all of Council's staff because what the public does not see, this is probably the most hectic time behind these walls on City Council.

I just want to thank, once again, all of my colleagues for letting me deal with all of you individually and bringing it together and sticking with the compromise that we all agreed.

One thing that did not really come out at the Wednesday meeting is that the original amendment that we started out with was an 8-0 vote, that was the one area -- and there were about seven items there that all eight of us agreed, it was the common ground that we started this budget with and they were the Food Banks and some of the other issues that I talked about earlier. That was an 8-0 vote on that amendment and then we went from there. That meeting took almost all day here, seven hours, but from that amendment forward this body dealt with every issue, important issues, on a 330 million dollar budget, but now we have a budget, it is passed, taxes did not go up. With the Regional Assets District, we have some taxes actually decreasing.

But, I think that this City and this Mayor and this City Council has sent a strong message to the residents of Pittsburgh but also to the region that we are not going to follow that spiral downward that a lot of major cities have followed and that is, we are losing revenues, so let's raise rates, and you lose more people. We are not going that way. We are holding the line on the budget, we are making tough cuts and we are developing a hundred million dollar Development Fund so we can grow the City.

So, I just want to end by saying, thank you, and let's hope that next year we can continue with this process and we see the Development Fund produce what we hope it does. Thanks everyone.

The Chair:

Thank you all. Any other comments? Ms. McDonald.

Ms. McDonald:

Yes. Thank you to my colleague, Mr. Onorato, as Finance Chair. Likewise, I share the sentiments expressed at the table that he has done a splendid job, but I just wanted to echo some comments just for me.

It has been quite -- in fact, people have asked me how this has been the first couple of weeks in office, and I say the same line, "It is

Baptism by fire," and it was quite exhausting trying to balance out -- actually being Downtown one week after the election date, one week, not having two months to recover, and then having to immediately get into the swing of things with these budget deliberations, where the money is. It has been a learning process, it has been interesting. I am looking at the dynamics here on City Council. So, there has been just a lot of learning that I have had to do.

I want to say this on record and to the public, that many times people have asked me, "Well, I've seen you everywhere but I didn't get a card, I didn't get this." Believe me, if you want me to bring the bacon home, this is what I have got to do: I've got to really come down here and within these four walls of this building, work with seven colleagues, right now, to hammer out how the money is going to come, where is it going, and to make sure that it is done right.

I want to say that I have also seen extremes on issues and I appreciate it because one thing I will say about this Council as compared to probably years past, that we really are about business. This is not just a ten minute "let's perform in front of the cameras," this is really about facts and figures, about getting the information. All of us have seriously done homework. I can testify, myself, I had gotten up at 4:00 in the morning oftentimes to go over numbers to make sure that when we do come to the table that we are prepared, that this is not just about politics, this is about doing what is right.

So, I want to thank them for setting the tone and to let you know that I feel very comfortable and I hope we continue the tone that we set within the next year.

Thank you, President Ferlo.

The Chair:

Thank you very much. Other colleagues. Councilman O'Connor.

Mr. O'Connor:

Ms. McDonald, I think you fit in like a pro and your professionalism in the first couple of weeks is outstanding, and I think it is not only a credit to you and your family but for the voters of your district for sending you here. I think you are an added asset.

I just want to echo the sentiments of everyone, thanking the staff, President Ferlo, Council Finance Chair Onorato, but I think I just want to emphasize one very strong point. I think Pittsburgh has been flat. We have not been going anywhere for the last maybe eight, ten years and including this year, but this Development Fund is very crucial, I think it is probably the most important thing I have seen in years here that the Mayor and his staff have put together. It is here, but I think what would really turn it around for the future of our children is how we use it and how they develop it, and I just want to commend him and everyone else for supporting it, and I think it is probably the most important thing we have done in my time here.

The Chair:

Thank you very much. Other colleagues. Councilman Onorato.

Mr. Onorato:

Mr. President, I just forgot to mention this, and I wanted to let everyone know this publicly because this body has agreed.

If you look at the second page, flip it open, the budget document is respectfully dedicated to the memories of Councilman Jake Milliones, Councilman Duane A. Darkins and Councilman Christopher A. Smith. This year, and particularly with the death of our colleague Councilman Christopher A. Smith happening right in the middle and the heat of the debate of the budget, I think was trying on all of us, but if you look at the dates there, as you can see, and within a two-year period, the tragedy that has struck this body, in addition to dealing with just the general issues, that this particular budget will be dedicated to all three individuals who had a tremendous impact on budgets and just on the lives of many Pittsburghers.

The Chair:

Thank you very much, Mr. Chair.

Other discussion? Hearing none, I will entertain a motion to adjourn this session.

And on the motion of **MR. HERTZBERG**

Council adjourned.

MUNICIPAL RECORD

Proceedings of the Council of the City of Pittsburgh

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Municipal Record

ONE-HUNDRED TWENTY-EIGHTH COUNCIL

JIM FERLO.....President
LINDA M. JOHNSON-WASLER.....City Clerk
KURT J. SALAC.....Asst. City Clerk

Pittsburgh, PA
Tuesday, December 20, 1994

PRESENT:

Mr. Cohen	**Mr. O'Connor**
Mr. Cusick	**Mr. Onorato**
Mr. Hertzberg	**Mr. Ricciardi**
Ms. McDonald	**Mr. Ferlo (Pres't)**

The Chair:

Good morning, everyone, and happy holidays. Would you all please rise for the Pledge of Allegiance and would you please remain standing for a moment of silent prayer so that we may have peace throughout the world.

We are very pleased to have a young man here today, Ryan Cassidy. Ryan, if you would like to come forward. Ryan is a 6th Grader at St. Rosalia School; he is the son of Ron and Marlene Cassidy. Marlene works with Councilman O'Connor. And, I understand you are a soccer champ, by the way, at the Diocese. Congratulations. And, Ryan, you can lead us in the Pledge of Allegiance this morning. Ryan.

Ryan Cassidy:

I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with Liberty and Justice for all.

The Chair:

Thank you. Ryan, the City Clerk would like you to have the flag of our Country and the flag of our great City. And, thanks for coming down today. Make sure you buy your mom a Christmas gift.

PRESENTATIONS

The Chair:

We have some great honorees here this morning. At this time I am very pleased to call on Councilman Alan Hertzberg.

Mr. Hertzberg:

Thank you, Mr. President. Would the people associated with the Turkey Trot Race, please come forward.

I had the privilege on the morning of Thanksgiving to come Downtown, get a little exercise before I ate my turkey, and there was a great race there conducted called the Turkey Trot, it was run by the Downtown YMCA. We also had some help from our CitiParks' crew, and in honor of all the people involved, and there were a lot of volunteers involved, I have this resolution here today. And, I will not answer the question if you ask me what my time was.

MR. HERTZBERG PRESENTED

No. 1429 WHEREAS, on Thanksgiving Day, Thursday, November 24, 1994 at 9:00 a.m., the Downtown YMCA, in a joint venture with

CitiParks, held the 3rd annual YMCA Thanksgiving Day Turkey Trot 5 Mile Race, sponsored by Armco, Bageland, and PowerBar; and,

WHEREAS, the money raised by the race benefited the Downtown YMCA Youth Scholarship Programs that allow children to participate in events that otherwise would not be afforded to them; and,

WHEREAS, the Greater Pittsburgh Food Bank also benefited from the approximately 300 entrants who collected and presented canned and dried foods with their registration; and,

WHEREAS, the Turkey Trot 5 Mile Race course starts in front of the Downtown YMCA on the Boulevard of the Allies, continues on to Ft. Duquesne Boulevard, over the Allegheny River on the Seventh Street Bridge, down River Avenue to the Carnegie Science Center and then back the same route to the Downtown YMCA; and,

WHEREAS, this race furthers the Mayor's idea of increasing vitality in the Downtown Pittsburgh area by providing another special event during Sparkle Season; and,

WHEREAS, the Downtown YMCA's mission is to provide outstanding recreational opportunities for the community by developing the body, mind and spirit; and,

WHEREAS, the Downtown YMCA provides several other programs such as the Corporate Cup Youth at Risk Through Mentoring, Subsidized Child Care and Gang Intervention, to name a few; and,

WHEREAS, the Downtown YMCA and CitiParks hope participation in the Thanksgiving Day Turkey Trot 5 Mile Race will continue to grow every year.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh commends the staff of the Downtown YMCA for its outstanding work with the youth and the needy of our community, as well as their contribution to the social life of the Pittsburgh area.

MR. HERTZBERG moved to adopt the resolution.

MR. RICCIARDI seconded the motion.

Which motion prevailed.

Mr. Hertzberg:

Thank you, everyone. Here today accepting these awards are Mike Radley, who is a member of the CitiParks' staff and he is also a Board Member of the "Y"; Dennis Kennedy, who is in the No. 2 position at the Downtown "Y"; Craig White, who is a Program Director there, and Dave DiBella, who was the Coordinator of all the volunteers for the Turkey Trot Race. And, I believe, Dennis Kennedy, you would like to say a few words.

Mr. Kennedy:

Thank you very much. On behalf of the "Y" I would like to thank Council and Councilman Hertzberg for their support of the Turkey Trot, and this is, of course, for us a sparkle day in the sparkle season and we very much appreciate this evidence of the City's support.

The "Y" as a facility of wellness and fitness sees itself as the center for wellness and fitness for the City employees of Pittsburgh, the citizens of Pittsburgh and people who work in the City. Come see us; we would love to have you see our facility and joining us for a work out.

I would like to call on Mike Radley to say one or two things as well in terms of his support of the race and the Board of Management's support of the race. Mike.

Mr. Radley:

Good morning, and thank you, Dennis. I would like to say that -- well, first of all, happy holidays because it is the holiday season, and it is great to see you are all here, and I wish you all the best this holiday season.

I would like to tell you about the association between the City and the Downtown YMCA, which is a very good relationship. We are developing a relationship where the YMCA is helping us with the Great Race, with their staff and water stops and child care services, and we are helping them produce some of their special events to make Downtown a vital place to visit, shop and

enjoy. It is really a good organization, and as mentioned by Councilman Hertzberg, who we have to thank for this proclamation and all Councilmembers here present, it is a good organization because it builds special events with the Youth Mentoring Program, with Gang Intervention Programs, and Downtown YMCA's Corporate Cup, which brings our corporate communities together in competition. It is a tremendous experience for me as a volunteer, and I want to thank you once again for your time this morning, and hopefully we will get together next Thanksgiving and make this the Thanksgiving event for the City of Pittsburgh. Thank you very much.

Mr. Cohen:

Mr. President.

The Chair:

Mr. Cohen.

Mr. Cohen:

While they are getting their picture taken, I just want to commend Councilman Hertzberg for introducing this resolution, and also just to congratulate -- I am a member of the "Y" and you guys do terrific programming. This is just one of them, and you do just great work for youth in our City, mostly many of whom are under-privileged youth and part of everybody's "Y" membership goes to that, and I think that is one of the reasons that I belong there, and I think you do a terrific job. So, I just want to congratulate you.

The Chair:

Thank you, Mr. Cohen. Thank you, Mr. Hertzberg. Thank you for your hard work.

Pittsburgh has always been a City of champs, and today we are very honored to have the Peabody High School Football Team, the Highlanders, here today, who beat the heck out of Schenley. And, I am very honored and pleased to have Councilwoman Valerie McDonald, who is sponsoring the proclamation, along with myself, and to have you come forward. Gentlemen, and coaches, and Sports Directors, if you would like to all come forward to receive this proclamation, and we will get a group photo here. We need a wide angle lens, too. Councilwoman.

Ms. McDonald:

Thank you, President Ferlo. This is jointly sponsored by President Jim Ferlo and myself for the Peabody High School Football Team for their championship in the City leagues.

It is with a great pleasure that I see all of these students here. It represents a lot of hard work, and oftentimes I know on the field, you know, people view these athletes as, "Oh, they're just jocks," but I have always said and I will continue to say, if you have athletic ability, you have to have the smarts on the field to know what you are doing and how to maneuver.

So, again, I think the athletic ability goes along with the mentality that is needed on the field. So, I want to commend them for also being academically fit as well as athletically fit.

Councilman Ferlo, Peabody is in his district and many of these students are in my district. So, this is why this is jointly sponsored and it is an honor to do so.

Now, I am going to read this resolution, which has a whole bunch of names. I am pretty good with some names but you know I am going to mess them up. So, correct me if I get them wrong.

MR. FERLO AND MS. McDONALD PRESENT

No. 1430 WHEREAS, on Saturday, November 12, 1994, the Peabody High School Football Team was crowned City League Champions; and,

WHEREAS, the Peabody Highlanders defeated Schenley High School with an 8-7 victory at South Stadium; and,

WHEREAS, the Peabody Highlanders Championship Team is comprised of the following players: Anthony Jetter, Ron Beck, Bryon Morant, Jeff Foreman, Rich McCord, Austin Jones, Eric Griffin, Allen Parker, Mike Talley, Bill Hargrove, Kevin Tate, Dorion Reid, Paul Jetter, Derek Glover, Von Stevenson, Greg Trowbridge, Gary Thomas, Detrell Hutcherson, Kevan Barlow,

Maurice Cissell, Lynel Barlow, Phil Eberhardt, Chris Weston, Kevin Brown, Larry Bell, Chaun Shaahid, Mike Jones, George Sly, Mike Hale, Marty Kane, Anthony Newman, Jaamyil Dean, Joah Jones, Kevin Gee, Jason Chapman, Emanuel DiNatale, Jimi Watson, Larry Levy, Reggie Green, Keith Trowbridge, Marvellew Hinton, Jaamal Moore and Tyrone Brown; and,

WHEREAS, other members contributing to the success of the Championship season include Head Coach, Robert Flaus; Assistant Coaches, Jeff McCafferty, Leonard Carter, Paul Bennett, Lou Barry, Rich McCord, Joe Bellante, and Kevin Evans; Athletic Director, Gus Lewis; and Principal, Vernon B. Phillips, Jr.; and,

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby commend and congratulate the Peabody High School Football Team on their 1994 Undefeated Championship Season; and,

BE IT FURTHER RESOLVED, that the Council does hereby recognize the team's efforts to be involved in activities that teach sportsmanship, leadership, determination, and respect for others.

MS. McDONALD moved to adopt the resolution.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

Ms. McDonald:

First I would like to ask President Ferlo if he would like to have some words, and then I would like to call upon Head Coach Bob Flaus to have some comments, and any other staff that is here that would like to say some comments, and I will leave it up to them after that.

The Chair:

Thank you. Again, it is always great to be paying tribute to young people throughout the City, especially these young people from Peabody High School.

Peabody High School is a great school, first and foremost, academically. It has made some tremendous strides in the last decade. But, more importantly and equally, today it also has produced some excellent young people, who are champs, not only in the classroom but on the field also, and I am very honored to join with my colleague in paying tribute to these young people. As we have often said in these Chambers, we get a little bit sick and tired always pointing with the media to some of the bad kids and some of the problems that we have in the City because when you add things up, 99 percent of the young people, as evidenced by the young folks in this room, are the good kids that make this City great, not a few bad apples, and we are very proud today to be paying tribute and our hats are off to these young people, they work hard, not only in the classroom but they also work very hard on the field, and we collectively, all of our colleagues here today, on behalf of the Mayor, also, we applaud you, we want you to keep on keeping on and we really thank you very, very much.

And, at this time I will turn it back to Valerie, and I am sure we want to hear from some of the coaches and the Sports Director, and we definitely got to hear from the Captain here holding the trophy. Valerie. Maybe he is not the Captain, but --

Ms. McDonald:

Who's the Captain? All the way up there.

The Chair:

Let's get one of the players down here to say a few words on behalf of your team mates. Come on, let's have a Democratic Election here in 20 seconds. You could introduce yourself, too.

Lynel Barlow:

Hi, I am Lynel Barlow. I didn't know I was going to have to say anything.

The Chair:

Are you that quiet on the field, or what? You can speak up.

Lynel Barlow:

No. No, we are just honored to be here today. That's all I really got to say. Thank you.

Mr. Flaus:

Good morning. As Lynel said, it is a great pleasure to be here, and what we would like to do is we would like to thank Councilpersons Ferlo and McDonald for this proclamation.

And, to reiterate what Councilman Ferlo said, it is really nice to see some young men be honored for something positive that they have done and not something that is negative in this City, and I think that more you are going to see a very big turn around in the general atmosphere. Thank you very much.

Mr. Phillips:

Councilman Ferlo, Councilperson McDonald, Council, thank you for this honor. On behalf of the faculty, student body of Peabody High School, and the Peabody community, we appreciate being recognized for winning the City Championship, but as been said here, these students are champions in the classroom, in the building and are demonstrating championship qualities in our community.

One of the things that made them a real champion is the fact that they bonded together. We have about ten neighborhoods feeding into Peabody High School. They have begun to communicate in a very positive manner that was key to the success of this team. We have athletic ability, we had good coaching, we had a lot of support from the community, they brought it together and they demonstrated a unit, a team, a family when they played together all season. They stayed together, they played together, they won together.

We are extremely proud of this group of young people, we hope to continue being successful, both in the classroom, successful in demonstrating good qualities in our community and being good representatives of Peabody High School.

Again, thank you for this honor, it is a privilege to be here and I am proud of my kids.

Ms. McDonald:

Let's get a group photo. Mr. Phillips, I have to piggyback on what you say because Mr. Phillips did not say all that he told me when we went up to the Gold Room to receive a County proclamation.

Mr. Phillips had told me that as much as we talk about the territorialism, Garfield, Larimer, East Liberty, Highland Park, East Hills, Homewood, all the Hoods are here and the Hoods are getting along here, and that really had an impact, when he told me that how many neighborhoods that traditionally are blasted in the media for fighting and you can see, it really does not have to happen. It just takes team work and they focus on, instead of their territory, on another mission and that is winning that championship for their school. They found some common ground, and I think that is the key to what we have, is findings and for the City, for the schools to provide common ground for the students.

So, I just had to say that because that really had an impact on me. So, thank you very much. Ready for the group photo.

The Chair:

Thank you all and congratulations.

I would like Lynne Layne from the Providers Organization and her friends and co-workers and advocates for the homeless, to please come forward.

Councilman Cusick and I are pleased on behalf of all of my colleagues to sponsor the following resolution, and it is also a memorial tribute to our colleague, Councilman Christopher A. Smith.

At this time I would ask my colleague, Mr. Cusick, to come forward.

Members of Council, I would like to offer the following resolution.

MESSRS. FERLO AND CUSICK PRESENT

No. 1431 WHEREAS, on Wednesday, December 21, 1994, the National Coalition For The Homeless, Project Save A Life, and other Homeless Service Providers, will have a memorial service at the Vietnam Memorial on the North Shore; and,

WHEREAS, this national memorial event is four years old, and attempts to call attention to the conditions of the homeless, but yet, pay tribute to the nameless and faceless men and women who have died unnoticed; and,

WHEREAS, there is a serious need for the City of Pittsburgh and Allegheny County to keep records of the Homeless, to enable families of the deceased to be notified; and,

WHEREAS, the National Coalition For The Homeless recognizes that every human life is important, with no respect to the economic status or conditions of death, and will read many of the names, dates and places where homeless persons have died in Pittsburgh and the County; and,

WHEREAS, this ceremony is being dedicated to the memory of Pittsburgh City Councilman Christopher A. Smith, District 6 Representative, who was a strong advocate who provided financial and emotional support for the homeless during his tenure as a Council Member.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh declares Wednesday, December 21, 1994, as Homeless Memorial Day in the City of Pittsburgh.

SPONSORED BY COUNCIL MEMBERS JIM FERLO, JOE CUSICK, DAN COHEN, ALAN HERTZBERG, VALERIE A. McDONALD, BOB O'CONNOR, DAN ONORATO AND GENE RICCIARDI

MR. ONORATO moved to adopt the resolution.

MR. COHEN seconded the motion.

Which motion prevailed.

The Chair:

Thank you very much. Councilman Cusick notified us a few days ago, having been approached by Ms. Layne, who is with an advocacy group called The Providers, Bonita and Tracey, two other representatives here today, I believe are from Operation Save A Life. I would like to introduce Lynne to say a few words right now and just highlight the purpose of this event. Lynne.

Ms. Layne:

Thank you and good morning. This is a happy time because of the proclamation and the acknowledgment that City Council gives to something that many people find menial or don't pay attention to, and just to be recognized by the City of Pittsburgh as having a cause is quite an honor.

While we are sitting home on Christmas in our homes being warm, I would like for everybody to take a minute to think about the people who are not as fortunate as we are.

Tomorrow evening I would like as many people that can come over to Roberto Clemente Park and be a part of paying this silent vigil to the people who will die this winter from lack of food, housing and the essentials that we all take for granted.

The Chair:

Thank you, Lynne. Councilman Cusick, would you like to say a few words.

Mr. Cusick:

Thanks, Jim. I just want to thank everyone for coming down today. And, I think this is exactly what Chris would have wanted, would have wanted us to remember him and to remember him in our acts today here with the National Coalition for the Homeless. I think that this really depicted what Chris was all about.

I would also encourage everyone to get over to the memorial and as you are there try to remember Chris because I think it would have been real important for him and to see all of his colleagues and friends there for this. I thank you.

The Chair:

Tracey, would you like to say a few words.

Mr. Couch:

I would just like to say that if we could all give a voice to the voices out there, I would greatly appreciate it.

I am a co-facilitator for Operation Save A Life, which is an organization that has been developed here for about four years now, and we are getting a lot of support from area churches, Mercy Hospital, Presby and Shadyside. I just hope that you all can make it out there. Thank you.

The Chair:

Thank you very much.

Under the guides of financial responsibility, there is, as far as I am concerned, an element of mean-spiritedness that has gripped this nation and, unfortunately, it is being vocalized, not only at the highest level, from the President in the White House himself, to certainly the new leadership in the Congress, and when we pick up the morning paper, it may seem like a quick fix to just cut the HUD budget, but I would ask my colleagues and for all of us here in the City, to think about what the impact is going to be because we in the urban areas, especially here in the City of Pittsburgh, will be disproportionately affected by a number of cuts, especially those that have been proposed in the HUD program.

Certainly we would like to see a lot of red tape and the bureaucracy changes happen with HUD. Being a Vice Chairman of the City's Housing Authority, which really is the landlord of last resort in this City, there are certainly changes in economies that we would like to look at, but fundamentally we still need to get back our tax dollars from Washington to deal with a lot of critical issues. And, for the Congress and the White House to rush the judgment on cutting housing opportunities for individuals without recognizing the other human educational and employment needs of people, it is going to be not only mean-spiritedness, but it is going to be disproportionately affecting our urban area. And, if we think we have a problem now with homeless people on the street corners, outside of restaurants, in the Downtown department stores, underneath our bridges, in alleyways, unfortunately, the problem will become even greater and more acute in the coming year, and I think we need to be vocal and speak about that. Tis the season to think about our families but it is also the season to think about people who are the have-nots in our society.

So, while we are looking at quick fixes and changes, let's not forget the needs, the urgent needs, of those who are in our society who are less fortunate. And, I am very honored to be a co-sponsor of this event. Unfortunately, our problems and our struggle this coming year will increase as opposed to be alleviated, and I would ask my colleagues to struggle with that problem, the Mayor certainly is, we who sit on various boards and authorities that are going to deal with this problem, are going to have that hit home more clearly in this coming year with some of the proposed changes. So, anything we could do to continue to be a voice and an advocate, I think that is part of our responsibility as a legislative body here in this City.

With that, thank you all for coming down here today and we applaud your initiative. Thank you.

Mr. Couch:

And, also, I forgot to mention, the Community Human Services is also a very big sponsor of Operation Save A Life.

The Chair:

Thank you very much. Thank you for coming down here today and for organizing the tribute to Councilman Smith.

I would like to move to Presentation of Papers. At this time, calling on Councilman Cohen, Committee on Public Safety Services.

Mr. Cohen:

Mr. President.

The Chair:

Thank you, Mr. Cohen.

MR. COHEN PRESENTED

No. 1432 Resolution authorizing the transfer of $17,000.00 from Code Account 1832, Department of Parks and Recreation, Wages - Temporary Employees, to Code Account 1461-2, Bureau of Fire In-grade Pay.

Which was read and referred to the Committee on Finance and Budget.

MR. COHEN moved to suspend Rule 8 by providing for consideration of the bill only until or after the calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

MR. CUSICK seconded the motion.

Which motion prevailed.

The Chair:

It may be appropriate to have a motion to waive Rule 8 on all bills because, I believe, it is about the final session, one more time.

Mr. Cohen:

So moved, Mr. President.

MR. O'CONNOR seconded the motion.

The Chair:

Motion to waive on all bills. Second. All in favor?

WHICH MOTION PREVAILED.

MR. ONORATO PRESENTED

No. 1433 Resolution repealing in part Resolution No. 206 of 1993 which authorized the filing of a petition for the sale of property located at 2505 Perrysville Avenue in the 26th Ward, and authorizing and directing the Director, Department of Finance, to return certain hand monies collected pursuant thereto.---**(SPONSORED BY MR. ONORATO)**

Also,

No. 1434 Providing for an Agreement or Agreements with a qualified third party administrator for the administration of the City of Pittsburgh's liabilities under the Pennsylvania Unemployment Compensation Law for a period of three years at an annual cost not to exceed $10,800.00.

Which were read and referred to the Committee on Finance and Budget.

MR. ONORATO moved to suspend Rule 8 by providing for consideration of the bills only until or after the calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

MR. O'CONNOR seconded the motion.

Which motion prevailed.

MR. RICCIARDI PRESENTED

No. 1435 Resolution granting unto Warehouse Development company, 5830 Ellsworth Avenue, Pittsburgh, Pennsylvania, 15232-1779, their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, a fence with locked gates both ends in portion of the right-of-way on Berlin Way between Fifty-Fourth Street and McCandless Street in the 10th Ward, 7th Council District of the City of Pittsburgh.

Also,

No. 1436 Resolution vacating a portion of Napton Way between Brunot Avenue and Eboda Way in the 20th Ward, 2nd Council District of the City of Pittsburgh.

Which were read and referred to the Committee on Public Works, Water and Environmental Services.

MR. RICCIARDI moved to suspend Rule 8 by providing for consideration of the bills only until or after the calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

MR. ONORATO seconded the motion.

Which motion prevailed.

THE CHAIR PRESENTS

No. 1437 Petition from the residents of the City of Pittsburgh requesting City Council to conduct a public hearing on Bill No. 1420 which authorizes the transfer of all the City's responsibilities for the Water Department to the Pittsburgh Water and Sewer Authority.

Also,

No. 1438 Petition from the residents of the City of Pittsburgh requesting City Council to conduct a public hearing on Bill Nos. 1394 and 1395 which authorizes the Pittsburgh Public Parking Authority to administer, supervise and enforce the Residential Parking Permit Program and on-street parking regulations.

Which were read, received and filed.

The Chair:

Thank you. That concludes Presentation of Papers. Are there any matters to be brought under Unfinished Business or Reports of any Special Committees? Hearing none, at this time we will move directly to Reports of Committees.

REPORTS OF COMMITTEES

The Chair:

Calling on the Committee on Finance and the Budget, Mr. Onorato.

Mr. Onorato:

Mr. President.

The Chair:

Thank you, Mr. Onorato. We have one negative recommendation, that is Bill 1362. If there is no objection, maybe we will take that one first, have discussion, and then move on the remaining bills.

The Clerk, please, read Bill 1362.

MR. ONORATO PRESENTED

Bill No. 1439

Report of the Committee on Finance and Budget for December 14, 1994, transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with a **NEGATIVE** recommendation,

Bill No. 1362

An Ordinance entitled, "An Ordinance supplementing the Pittsburgh Code, Title Two, Fiscal, Article IX, Property Taxes, Chapter 263, Real Property Tax and Exemption, by adding Section 263.15, Charitable or Related Tax Exemption Challenges."—**NEGATIVE RECOMMENDATION—(SPONSORED BY MR. HERTZBERG)**

Which was read.

The Chair:

We are in receipt of a legal opinion, as we have requested, from the Solicitor, and I will defer at this time to Councilman Hertzberg, the bill sponsor.

Mr. Hertzberg:

Thank you, Mr. President. This is a bill which would require the approval of City Council before the City of Pittsburgh filed any appeals to the tax exempt status of any charitable organizations.

The legal opinion states that this particular bill is illegal. I do not agree with that legal opinion, and reading through it carefully, I find no authority for the conclusion, the conclusion being, simply, that this violates the separation of powers, without any kind of case or other kind of legal authority given for that conclusion.

The Solicitor's Office, of course, was opposed to this particular bill for other reasons and specified as much at our meeting here on Wednesday, so one would have to question their objectivity in reaching the conclusion that they have reached. I think what it comes down to is whether challenging charitable tax exempt status is the same as an action by, say, the Finance Department to collect a delinquent Wage Tax or some other kind of tax, which is traditionally an executive function. I do not believe there are any similarities between those kinds of executive functions and what goes on when we challenge a charitable tax exempt status of real property.

I think the significance to the City's budget is extreme, we have seen that in the past, and I think the power to abuse this particular kind of challenge is great, although I would not say that this Administration is going to do that, but I think

there have been a lot of questions raised over what went on in the past and how decisions were made on which institutions to challenge.

Now, there was explanation in the Solicitor's opinion about the complexity of the process. Well, I do not see that as any reason to vote against this bill. There are a number of complex legal issues that we must vote on on a regular basis. Every single court case that we are asked to approve a settlement on often involves complex questions. That is not really an adequate reason to vote against this bill.

Yes, it would politicize this issue, but I think it is a political issue. I think it is an issue that belongs in front of this City Council. I think it has the capability of changing the entire structure of this City, and I think it is something that should come in front of us, not for us to sit here and say, no, don't go after that, that particular piece of property, or this particular piece of property, but at least to have some justification presented, or to have someone come to us and say, yeah, we're going after these five this year and five next year, and give us a plan, so that we do not have to sit here and be concerned that someone or other is being singled out.

And, that is why I presented this piece of legislation, and I will continue to vote in favor of it.

The Chair:

Other colleagues? I would like my comments brought forward on this bill.

(REMARKS -- SEE ADDENDUM)

The Chair:

Again, I would just like to very briefly reiterate my position. I respect my colleague and the impetus for wanting to propose this legislation, but I object to it on three grounds.

First of all, we have a Uniformity Clause in the State Constitution that is very clear, and that is, any and all taxes provided in the Commonwealth, be they enacted by the legislative powers in the State Legislature, or local municipal authorities, like the City of Pittsburgh, it is clear, taxes shall be collected uniformly, whatever the particular tax is, notwithstanding the Bill of Particulars for what the method of taxation and what the collection is. The Home Rule Charter and the Municipal Code is clear. Secondly, that is, the Executive Branch and, specifically, in this case, the City Treasurer and the Finance Director and others, who have the clear mandate and the vested powers and who we should be holding accountable for the uniform collection of those taxes. I do not want a city administrative arm that is picking and choosing on whether or not people should be paying their taxes. Thirdly, this local Council is vested with powers that, in addition to obligations that anybody has locally to pay taxes, there are times that we as a legislative body, because of powers that have been granted to us by the State Legislature -- in fact, we have two bills up today, we are cutting the Amusement Tax and eliminating Personal Property Tax -- we are vested with certain powers to change the Tax Code, good, bad or indifferent. That is a legislative prerogative, that I think is clear vested in this City Council as a legislative body.

But, the actual collection, I think it is wrong to tie the hands of the City Solicitor, who, it is very clear in the Home Rule Charter, is vested with very specific powers to act on behalf of this City as a municipal corporation. And, secondly, we hold the Mayor accountable as the Chief Executive Officer for the uniform collection of all taxes.

If we want to talk about politicizing the process, let's draw the logical conclusion to the impact if we were to vote in favor of this legislation today. What would be the scenario? We would have situations where colleagues are going to be lobbied and/or colleagues will seek out a favored or pet institution, and this is not to cast criticism to any of my colleagues or myself included. But, let's play this scene out. I'm just saying that after the rendering of this bill with a positive vote today, what would be the impact? I could see a situation where any number of us and future Councils may sit on boards or have pet non-profit groups, be it the YMCA or the "YW" or St. Francis Hospital or Allegheny General, or hundreds of different organizations out there under the non-profit umbrella. Are we going to be approached by them or in any way bring them to the door of this Council where we are going to pick and choose whether or not they should be required to pay their taxes uniformly by State Law or by

legislation of this Council. To me that is just an unbelievable situation that we would put ourselves in. The burden is on the non-profit institution to show whether or not they should remain or, in effect, are tax exempt. And, the obligation, and I would think taxpayers would expect, that the Administration, whoever is responsible for taxing and carrying out the Administrative functions of collecting the tax, I would think that all of our taxpayers in the City, be they residential or commercial, would want fairness and uniformity; they would want to know that the Executive Branch is uniformly collecting the taxes.

And, if the Administration has information to show why a particular non-profit is indeed not non-profit and should have the burden of taxation, then I would want them to move full steam ahead in making sure that they rigorously enforce, in whatever manner, appeals to the Property Assessments Board, intervention into the Court of Law, whatever it needs to be done, and I would think the taxpayers in the City would expect nothing less.

So, I respect the impetus for the bill but I strongly object to it; I think we are opening up a terrible situation in the future.

Now, where I do agree with my colleague, and because of the legal opinion that was rendered also, I still believe and I have stated this in the past, that this Council was not consulted and we did not take a vote consummating some of these previous agreements that had been worked out with large non-profits, like the hospitals, and I question the legal standing of those agreements.

The School Board, as a legislatively body, clearly took a vote, good, bad or indifferent, agreeing to whatever was consummated by way of payment in lieu of tax for the non-profits. We were not consulted. And, on that issue I agree to a large extent with my colleague, and I think we have discussed this at the table before, before any new agreements are consummated with any of these large non-profits, who voluntarily pay a payment in lieu of tax, this legislative body should be clearly involved in that loop and sign off on that, much the same way that we have to vote on the tax exempt financing, and in the same manner in which the County Commissioners and the School Board took a vote on the payment in lieu of tax.

But, again, I respect my colleague but I strongly disagree with the principles embodied in this bill, and I think we are opening up a very bad situation for lack of uniformity and tax collection.

Any other comments or discussion? Councilwoman McDonald.

Ms. McDonald:

I would just like to have my comments brought forward.

(REMARKS -- SEE ADDENDUM)

The Chair:

Thank you. Any other discussion on this bill? Mr. O'Connor.

Mr. O'Connor:

I would like to have my comments brought forward.

(REMARKS -- SEE ADDENDUM)

Mr. O'Connor:

I am supporting this, basically, because of almost what you said, I think we have some agreement but, although there were none last year, in case a Mayor Administration were to go after one group or one groups, I think this gives us some protection to make sure they are not going after that one group, as opposed to us being lobbied, such as the Hunger Trust Funds and all those; I mean the Mayor cut them off and they had all the right in the world to lobby us. Without that second lobby an Administration could have a free hand to do the wrong things, too. That is the reason I am supporting it; I think it is a small protection for in case they would do the wrong thing.

Also, I did ask for the report on our agreements with all these hospitals that were made in the last three or four years and before that and I have not received that yet.

The Chair:

Other comments? Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their

names are called; all opposed will vote "no". And, again, we are specifically voting on Mr. Hertzberg's Bill 1362. The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. O'Connor
Mr. Hertzberg	Mr. Ricciardi

AYES 4 NOES 4

VOTING NO:

Mr. Cusick	Mr. Onorato
Ms. McDonald	Mr. Ferlo
	(Pres't)

And there not being a sufficient number of majority votes of Council being in the affirmative, the bill was tabled.

The Chair:

Other comments?

Also, with an affirmative recommendation,

Bill No. 1336

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Two, Fiscal, by changing the Rate of Interest on certain delinquent Earned Income and Home Rule Taxes."---**(SPONSORED BY MR. ONORATO)**

Which was read.

Also,

Bill No. 1337

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Two, Fiscal, Article IX, Property Taxes, Chapter 263, Real Property Tax, Section 263.01, Levy and Rate on Lands and Buildings, by levying the real property tax for 1995."—**(SPONSORED BY MR. ONORATO)**

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. O'Connor
Mr. Cusick	Mr. Onorato
Mr. Hertzberg	Mr. Ricciardi
Ms. McDonald	Mr. Ferlo
	(Pres't)

AYES 8 NOES none

The bills having received the legally required number of votes are passed finally.

Also,

Bill No. 1351

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of CSX Transportation in the amount of $264.07 in payment of Railroad Flagging Services required for the inspection of the Herr's Island Bridge; and providing for the payment thereof."

Which was read.

Also,

Bill No. 1352

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Golden Triangle Construction Company in the amount of $11,505.00 in payment of the installation of conduit and junction boxes located at the intersection of Ross Street and Second Avenue in conjunction with the C.T.R.T.C.S. project; and providing for the payment thereof."

Which was read.

Also,

Bill No. 1353

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Consolidated Rail Corporation in the amount of $349.34 in payment of Railroad Flagging Services required for the bridge safety inspection of the South 12th Street Bridge; and providing for the payment of the cost thereof."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. O'Connor
Mr. Cusick	Mr. Onorato
Mr. Hertzberg	Mr. Ricciardi
Ms. McDonald	Mr. Ferlo
	(Pres't)

AYES 8 NOES none

And there being two-thirds of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 1361

A Resolution entitled, "Resolution transferring the amount of $1,200.00 from Code Account 1001-1 (100115), Miscellaneous Services, Supplies, Equipment, Etc., City Council, to Code Account 1001-2 (100123), Salaries, Wages & Services of Council, City Council."---**(SPONSORED BY MR. HERTZBERG)**

Which was read.

Also,

Bill No. 1363

An Ordinance entitled, "An Ordinance supplementing the Pittsburgh Code, Title II, Fiscal, Article IX, Property Taxes, by amending Chapter 263, Real Property Tax, Section 263.13, Procedures, by providing a means for City residents to file a single application with the Allegheny County Board of Property Assessment, Appeals and Review thereby simplifying participation in the program."---**(AS AMENDED BY SUBSTITUTE)---(SPONSORED BY MR. HERTZBERG)**

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills? Councilman Onorato.

Mr. Onorato:

Mr. President, I just want to make a comment on Bill 1363, sponsored by Mr. Hertzberg. I think it is a great bill; something that was discussed is finally going to be implemented, and for the people watching, and that is dealing with the gentrification, and that there will be a one-application process now instead of this duplication that was just mass confusion among the constituents and I cannot blame them. So, now we will follow and accept Allegheny County's application process, and I just want to commend Mr. Hertzberg for clarifying that process.

The Chair:

Thank you very much. Any other comments? Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. O'Connor
Mr. Cusick	Mr. Onorato
Mr. Hertzberg	Mr. Ricciardi
Ms. McDonald	Mr. Ferlo
	(Pres't)

AYES 8 NOES none

The bills having received the legally required number of votes are passed finally.

Also,

Bill No. 1367

A Resolution entitled, "Resolution providing for the issuance of a warrant in the sum of $15,000.00 to Eulicious Woods and Frank J. Micale, Esquire, Goodrich, Micale and Search, The National Building, 436 Boulevard of the Allies, Pittsburgh, PA 15219, in full and final settlement of alleged personal injuries regarding the apprehension of a suspected criminal at Grant Street and Court Place on or about May 18, 1991."

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Hertzberg	Mr. Ricciardi
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 7 NOES none

(MR. CUSICK ABSTAINING)

And there being two-thirds of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 1369

A Resolution entitled, "Resolution transferring the amount of Twenty Thousand Dollars $20,000 from Code Account 1001-2, Salaries, Wages and Services of Council, As Needed, City Council, District 6, to Code Account 1103, Miscellaneous Services, Department of City Planning, (Index Code 110304)."

Which was read.

Also,

Bill No. 1370

A Resolution entitled, "Resolution transferring the amount of Five Thousand Dollars $5,000 from Code Account 1001-2, Salaries, Wages and Services of Council, As Needed, City Council, District 6, to Code Account 1838, Miscellaneous Services, Department of Parks and Recreation, (Index Code 183806)."—**(SPONSORED BY MR. FERLO)**

Which was read.

Also,

Bill No. 1332

An Ordinance entitled, "an Ordinance amending the City Code, Title 2, "Fiscal", Article VII, "Business Related Taxes", Chapter 241, "Amusement Tax", Section 241.04, "Amusement Tax Computation", by amending the rate of tax to be collected in accordance with the provisions of Act 77 of 1993, the Allegheny Regional Asset District Legislation."—**(AS AMENDED BY SUBSTITUTE)**

Which was read.

Also,

Bill No. 1333

An Ordinance entitled, "An Ordinance amending the City Code, title 2, "Fiscal", Article IX, "Property Taxes", Chapter 261, "Personal Property Tax", Section 261.02, "Levy and Rate", by deleting the tax rate for 1995 and thereafter in accordance with the provisions of Act 77 of 1993, the Allegheny Regional Asset District Legislation."

Which was read.

Also,

Bill No. 1410

A Resolution entitled, "Resolution providing for the transfer of $1,200 from Code Account 1022, Index Code 102202, Salaries, Regular Employees, to Code Account 1022-1, Index Code 102210, Premium Pay, Magistrates Court."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. O'Connor
Mr. Cusick	Mr. Onorato
Mr. Hertzberg	Mr. Ricciardi
Ms. McDonald	Mr. Ferlo (Pres't)

AYES 8 NOES none

The bills having received the legally required number of votes are passed finally.

Also,

Bill No. 1419

An Ordinance entitled, "An Ordinance supplementing the Pittsburgh Code, Title Two, Fiscal, Article VII, Business Related Taxes, Chapter 241, Amusement Tax, by adding Section 241.07 - Ticket Labeling."---**(SPONSORED BY MR. RICCIARDI)**

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill? Mr. Ricciardi.

Mr. Ricciardi:

Thank you, Mr. President. At this time, colleagues, I would like to make a motion to amend by substitution Bill No. 1419 and the bill should be before you.

MR. HERTZBERG seconded the motion.

The Chair:

There is a motion on the floor, it has been seconded. Discussion on the amendment? Mr. Ricciardi.

Mr. Ricciardi:

Discussion. Thank you, colleagues, and I will be very short, not to belabor the subject. We have talked about and discussed the decrease in the Amusement Tax from different aspects, today, however, it is very clear cut what I am asking, and that is that our tax producers clearly print on the admission ticket the established price of the admission, the amount of the Amusement Tax due on and the sum total of the established price of the tax; that is that the taxpayers in the City of Pittsburgh and Allegheny County and outside realize how much Amusement Tax is being charged and what we are collecting.

The motion to amend was a request by the Department of Finance and that is that we have certain entertainers that come into the City with their tickets already printed; thus not to cause them the extra expense, these people will be treated with flexibility and fairness and all they will have to do is post it at either the entrance or at the box office.

So, what we are doing here, we are still giving entertainers, who come into the City of Pittsburgh, the flexibility to entertain. But, more important, colleagues, what I am trying to do is to show that we have decreased the Amusement Tax here in the City of Pittsburgh from ten to five percent and if that is not reflected in the ticket price, that is only because the admission has been increased, and that is what it will cause to do, it will show the City of Pittsburgh that we are cutting taxes here in the City. Thank you.

The Chair:

The Chair needs a clarification.

Mr. Ricciardi:

Yes?

The Chair:

You are only proposing to amend the "B" portion of the already amended bill that you initially submitted?

Mr. Ricciardi:

That is correct.

The Chair:

All the other underlying, in addition to your Substitute B, would, in effect, be the bill?

Mr. Ricciardi:

That is correct.

The Chair:

That is not technically what the motion is but --

Mr. Ricciardi:

Well, the motion was to amend by substitution and you have it before you, it also includes my bill and just "B", correct, or am I misreading it, Mr. President?

The Chair:

Well, technically you just amended the total bill by only including "B", but your intent is to include "B" as a substitute for the amended "B" that was voted on at the Committee Session; the other underlying portions would remain in effect in the bill.

Mr. Ricciardi:

That is what I want. Thank you for clearly explaining that.

The Chair:

Any other discussion on this? Hearing none, all in favor on the amendment?

WHICH MOTION PREVAILED.

The Chair:

The amendment stands, and the "B" portion will be substituted, the other underlying portions to the main body of the bill remain intact.

Any other discussion on the bill, or other bills that were read? Any other comments? Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. O'Connor
Mr. Cusick	Mr. Onorato
Mr. Hertzberg	Mr. Ricciardi
Ms. McDonald	Mr. Ferlo (Pres't)

AYES 8 NOES none

The bill having received the legally required number of votes passed finally.

THE CHAIR PRESENTED

Bill No. 1440

Report of the Committee on Planning, Zoning and Land Use for December 14, 1994, transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 1371

A Resolution entitled, "Resolution providing for an Agreement or Agreements with the Big Brothers & Sisters for the benefit of residents of the City of Pittsburgh, at a cost not to exceed $5,000.00, chargeable to and payable from Code Account 1103 (110304), Miscellaneous Services, Department of City Planning."—**(SPONSORED BY MR. FERLO)**

Which was read.

Also,

Bill No. 1372

A Resolution entitled, "Resolution providing for an Agreement or Agreements with the Holy Cross Episcopal Church on behalf of the Black College Spring Tour for the benefit of residents of the City of Pittsburgh, at a cost not to exceed $5,000.00, chargeable to and payable from Code Account 1103 (110304), Miscellaneous Services, Department of City Planning."—**(SPONSORED BY MR. FERLO)**

Which was read.

Also,

Bill No. 1373

A Resolution entitled, "Resolution providing for an Agreement or Agreements with the Hill PAC for the benefit of residents of the City of Pittsburgh, at a cost not to exceed $5,000.00, chargeable to and payable from Code Account 1103 (110304), Miscellaneous Services, Department of City Planning."—**(SPONSORED BY MR. FERLO)**

Which was read.

Also,

Bill No. 1374

A Resolution entitled, "Resolution providing for an Agreement or Agreements with the Central Northside Neighborhood Council for Youth consulting Services for the benefit of residents of the City of Pittsburgh, at a cost not to exceed $5,000.00, chargeable to and payable from Code Account 1103 (110304), Miscellaneous Services, Department of City Planning."—**(SPONSORED BY MR. FERLO)**

Which was read.

Also,

Bill No. 1377

A Resolution entitled, "Resolution approving execution of a Contract for Disposition by Sale of Land by and between the Urban Redevelopment Authority of Pittsburgh and Bloomfield-Garfield Corporation for the sale of Block 50-L, Lots 83, 84, 85, 88, 89, 90, 91, 92 and 92A in the 10th Ward of the City of Pittsburgh." (RESIDENTIAL CONSTRUCTION)

Which was read.

Also,

Bill No. 1378

A Resolution entitled, "Resolution approving execution of a Contract for Disposition by Sale of Land by and between the Urban Redevelopment Authority of Pittsburgh and Rosedale Block Cluster, Inc., for the sale of Block 175-G, Lots 31 and 71 in the 13th Ward of the City of Pittsburgh." (PARKING/PLAYGROUND)

Which was read.

Also,

Bill No. 1379

A Resolution entitled, "Resolution approving execution of a Contract for Disposition by Sale of Land by and between the Urban Redevelopment Authority of Pittsburgh and Glen Hazel Citizens Association for the Sale of Block and Lot 56-J-224, in the 15th Ward of the City of Pittsburgh." (RESIDENTIAL REHABILITATION)

Which was read.

Also,

Bill No. 1380

A Resolution entitled, "Resolution approving execution of a Contract for Disposition by Sale of Land by and between the Urban Redevelopment Authority of Pittsburgh and Northside Tenants Reorganization for the Sale of the following properties in the City of Pittsburgh." (REHABILITATION)

Which was read.

Also,

Bill No. 1381

A Resolution entitled, "Resolution approving a conditional use exception under Section 993.01(a)A(52) of the Pittsburgh Code, title Nine, Zoning, Article V, Chapter 993, to Appletree Bed and Breakfast, Inc., for authorization to convert an existing three-story structure into a bed and breakfast facility with four guest rooms located at 703 South Negley Avenue, with parking to accommodate four automobiles, on property zoned "R4" Multiple-Family Residence District, 7th Ward."

Which was read.

Also,

Bill No. 1421

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire all of the City's Right, Title and Interest, if any, in and to the Publicly-Owned Property in the 13th Ward of the City of Pittsburgh designated in the Deed Registry Office of Allegheny County, as Block 175-G, Lots 31 and 71, under the Residential Land Reserve Fund."

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

I just want to again reiterate to my colleagues, on that one bill involving the bed and breakfast, it is a Conditional Use Application. I know a number of colleagues have already been approached on a number of potentially controversial Conditional Use Applications, involving universities, other non-profit groups. I would again alert my colleagues to the Solicitor's opinion involving colleagues speaking out or participating either in for or against on the whole issue of Conditional Use Applications. We have to remain a quasi judicial body that will look objectively at these applications. I know I have been approached on an issue involving relocating of an alternative jail facility in the East Liberty community. The University of Pittsburgh has an issue coming up with the Convocation Center. There may be hundreds of others that I do not know about.

I would just again alert my colleagues. I would hate to see any colleague be disqualified from voting on the issue. So, I would again call your attention to that, especially to our new colleague.

Any other comments on any of the other bills? Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cusick	Mr. Onorato
Mr. Hertzberg	Mr. Ricciardi
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 7 NOES none

The bills having received the legally required number of votes are passed finally.

The Chair:

Committee on Lands, Building and Procurement, Mr. O'Connor, Chair.

Mr. O'Connor:

Mr. President.

The Chair:

Thank you, Mr. O'Connor. We have one negative recommendation, Bill 1390. If you would like, with permission of the Chair, we will read that bill and have a vote and discussion separately.

MR. O'CONNOR PRESENTED

Bill No. 1441

Report of the Committee on Lands, Building and Procurement for December 14, 1994, transmitting two resolutions to Council.

Which was read, received and filed.

Also, with a **NEGATIVE** recommendation,

Bill No. 1390

A Resolution entitled, "Resolution amending and supplementing the Pittsburgh Code, Title Four, Public Places and Property, Article II, Communications, Chapter 425, Cable Communications, to Reduce the Franchise Fee for Cable Communications Systems."---**NEGATIVE RECOMMENDATION---(SPONSORED BY MR. COHEN)**

Which was read.

The Chair:

I would ask my colleague, Mr. Cohen, to please come back in the Chambers, as I am sure he wants to be an advocate for this bill. I will keep talking about the bill, hopefully he will come back.

Mr. Ricciardi, do you want to speak first?

Mr. Ricciardi:

Well, obviously Mr. Cohen can speak more efficiently about the bill than I can.

The Chair:

Or I can move quickly on the bill, since I don't favor the bill, but --

Mr. Ricciardi:

Let me say that I am supporting the bill today, which has been initiated by Mr. Cohen, which will decrease the franchise fee from five to four and a half percent. I am supporting it for several reasons.

First of all, I think it is the right message to send to TCI, and that is, here in the City of Pittsburgh, our own franchise fee, that we are cutting back, and that they should do the same with their rates or at least hold their rates.

Also, I think it is the right thing to do in terms of sending dollars back into the private economy, and that is, $200,000.00. On that, however, I am going to stop speaking because I see the sponsor of the bill is here, and I would like to defer to Mr. Cohen. Thank you.

Mr. Cohen:

Thank you very much.

The Chair:

Mr. Cohen, I was going to move quickly on this bill in your absence but I felt it was better to allow you to speak. Mr. Cohen.

Mr. Cohen:

I appreciate it. The reason I left is that I just noticed, Mr. President, that the bill to reduce TCI's late fee does not include the late fee that we want to have TCI charge, there is a blank there. So, I just went to my office to make sure that we amend this bill to include a reduction in TCI's late fee from $3.15 a month to $1.58 a month.

The Chair:

Would you state the bill number, Mr. Cohen. Would you please state the bill number.

Mr. Cohen:

Yes, it is Bill No. 1391. I just wanted to make absolute sure. It may be in the original, but there is a blank that appears on Item G of that bill.

The Chair:

Technically right now the bill that is on the table is Bill 1390, which has a negative recommendation. Do you want to just speak about that bill and then we will move on the other bill, or do you want to move both bills?

Mr. Cohen:

That is fine. I would be happy to do that, but I just wanted to explain. My secretary is typing up that -- I do not know why that is a blank there; it should not be a blank.

The Chair:

We will get that corrected.

Mr. Cohen:

We said $1.58 from the very beginning here. But, in any event --

The Chair:

Specifically on the floor now is Bill 1390, regarding the negative recommendation on the Cable Franchise Fee and, Mr. Cohen, you have the floor.

Mr. Cohen:

Yes. Thank you, Mr. President.

First of all, let's be very open about what this franchise fee really is. It is a tax on cable television subscribers. It is a tax that was intended to fund the operations of the City's Cable Bureau only. It was never intended to fund other City services or to build up a huge surplus in the Cable Trust Fund. Unfortunately, that is what has happened. In my view it has become a false tax.

If we reduce the franchise fee from five percent to four and a half percent for cable television subscribers, it will not hurt the Cable Bureau operations. And, I had passed out to each one of you a memo that shows the effect of a decrease in the franchise fee from five percent to four and a half percent.

There is a surplus in the Cable Bureau Trust Fund as of 4:30 p.m., on December 19th, yesterday, of $421,550.00, and that is shown to you in writing on the next page from the Controller's Office. There is $421,551.00 in the Cable Trust Fund as of this moment.

Now, the budget for the Cable Bureau for 1995 is $128,000.00, exactly $128,100.00 less than it what it was for 1994. I attribute that to the good work of Director Deborah Miskovich.

So, if you take that surplus, plus the savings that we make from a reduction in the Cable Bureau for 1995, we get a total of $549,651.00, surplus. Now, you ask, how much will an increase from five percent to four and a half percent cost the City? It will cost $195,862.00. And I point you to Page 2 of this little packet here, that comes directly from the Mayor's budget, and that says, the source of revenue of the Cable Franchise Fees received from TCI of Pennsylvania is one million nine hundred and fifty-eight thousand six hundred and nineteen dollars. So, ten percent -- we are talking about a ten percent reduction here -- would be $195,862.00, which means at the end of 1995, there would still be a surplus of $353,789.00 in that trust fund, and that is not what the franchise fee was intended to do.

Now, with all due respect to the Director Deborah Miskovich, the Director says that there is, in fact -- there will be $62,000.00 in that trust fund by the end of the year, not $421,000.00.

This year the Cable Bureau has spent -- will spend, this is their Operating Budget for 1994 -- two million one hundred and sixty thousand nine hundred and nine dollars, or $8300.00 a day. Bear with me, please. Eighty-three hundred dollars a day on the average is what the Cable Bureau spends in 1994. For this trust fund to be depleted down to $62,000.00, which is what the Director says it will be, that means they would have to spend $45,000.00 per day, $45,000.00 per day. That is five and a half times what the normal expenditure of the Cable Bureau is. If they do that, then they are intentionally draining that trust fund, in order to prevent money going back to the subscriber, not because of normal operations of the Cable Bureau.

Now, you all received a memo -- I don't know, Mr. President, if you referenced it yet -- but, a memo from the Solicitor about the franchise fee, basically implying that it would be unwise to

reduce the franchise fee. I want to -- you have it in front of you, Mr. Chair. If people did not read it, then I won't rebut it, but assuming that some people did, because we have so much paper that comes into our office, especially yesterday. But, I would like to rebut it very briefly.

First of all, I have a problem with the Solicitor providing us with a Public Policy Memo. There is no legal issue here. Everybody agrees, even people who are opposed to this reduction, that it would be legal for us to reduce the franchise fee, the only question is whether it is good policy. Aside from that, this memo actually supports a reduction in the franchise fee, and the reason is -- the second full paragraph on the second page -- this is what it says: Companies other than TCI -- such as Bell Atlantic -- have stated their intention to provide their intention to provide cable service in the City. The commencement of service by those companies will entail the same processes, i.e., rate regulation, construction supervision and inspection, negotiation of franchise agreements and the same cost as described above. What this does not say is -- and I would love it if Bell Atlantic came in, or any other company came in to compete with TCI, because that would really lower rates. But, what this paragraph does not say is that if there is another company that comes into Pittsburgh, that means they would have to get a franchise, too, and they would pay a franchise fee. That means it would actually increase the amount of revenue that comes into our Cable Bureau, not decrease the amount of money.

Finally, let's look at the size of the Cable Bureau over the last eight years, and that is on the same memo that I provided you. At the bottom on the first page: The size of the Cable Bureau, the budget of the Cable Bureau, in 1988 was 1.1 million. The size of the Cable Bureau in 1995 is 2.03 million. That is an 82 percent increase in the size of the Cable Bureau. Again, I am not blaming that on this Administration or this Director; in fact, this Director has brought cost down, as I mentioned before, but this Cable Bureau has increased in size by 82 percent in the last seven years.

Now, I ask, if you went to the citizens of the City of Pittsburgh and you said to them this, you know, Mr. Citizen, or Mrs. Citizen, because TCI's rates have increased, our franchise fee coming into the City has increased; in other words, the City has gotten a windfall because of the huge increase in TCI's rates. Now, you have a choice, Mr. or Mrs. Citizen, we could either give that money back to you or we can put it into our Cable Bureau and expand the size of our Cable Bureau. Now, what do you think Mr. or Mrs. Citizen would say? They would want their money back. And, that is really what I am asking this Council to do today, to support these reductions.

By the way, there is nothing sacred about five percent at all. The franchise fee was actually three percent for the first eight years that we had this franchise, until 1986. What I am asking is for a reduction in this tax, reduction in this cable tax, that will not hurt our Cable Bureau and at the same time will send a wonderful message, and that is, at the same time that we are putting pressure on TCI to reduce its rates and its fees, we also should be reducing our own rates. Admittedly it is not a great deal of money but it is a terrific message because -- and it is some money and it is a good message, because how many times has a legislative body reduced taxes? Not very often.

And, finally, I just want to propose a compromise, and that is this: I said that I would propose a reduction in the franchise fee for two years in a row, one half percent this year and one half percent next year. I am saying today that if this Council passes this half a percent reduction this year, I will not seek another reduction next year. In order to get five votes I am willing to do that because I think it is the right thing to do, and I think reducing this franchise fee is the right thing to do. Thank you, Mr. President.

The Chair:

Thank you, Mr. Cohen. Other comments. Mr. O'Connor.

Mr. O'Connor:

Well, I would like to question some of the fair -- the intent is very good. I think everyone, to make it clear, would like to see the rates come down. I think that is unquestionable, and I commend Mr. Cohen for his hard work; in fact, we agreed on the next two bills.

The cable rates from 1988 to 1995 went up, and I realize we get a percentage of the increase but I do not know the number of new

households. Every time a new home puts a cable in there, we, the City, gets a percentage of that, five percent of their bill. So, a lot of that is growth, it is not just the increase. You follow me? In other words, if we sign up a hundred a month, that is "X" amount coming back in to operate the business here.

Deborah Miskovich just showed me -- to question what is in the bill. If we paid all our bills today, the cable, and when it closed up or sold or went out of business, paid all our bills, the encumbered bills, we would only have $60,000.00, not 353. So, that is something you have to look at, is what is owed out.

The other thing I may warn you, it sounds good to come down, but if the bills -- for whatever reason we have to increase, I do not think anybody on this Council would ever vote for an increase. I must bring to your attention what just happened and surprised us a couple weeks ago, where we had a $75,000.00 bill to fix the cameras, that comes out. If that bill were to come up today we would not have the extra 15,000 to pay that.

Mr. Cohen:

That has already been encumbered.

Mr. O'Connor:

Yes, I am just saying if that would happen again, something like that. That was a surprise.

The Chair:

We are going to let you have the last word, Mr. Cohen.

Mr. Cohen:

I am sorry.

Mr. O'Connor:

We paid that bill. God knows what's next. The $75,000.00 part came from nowhere for these cameras, it is very sensitive equipment. If that would happen today again, something like that, in other words, we owe 60, we would be in the hole 15. So, it does not take much to swing the change. Although I agree with we should bring the rates down, we should continue to go after TCI, but I do not think we should go after at our expense.

Also, I just had a preliminary meeting, and Ms. McDonald and I will be meeting more, and I will include you, Mr. Cohen. The School Board has approached us as far as doing more with our cable for them, to help the kids, more programs. All these things are a benefit to the taxpayers but the cost is still unknown, and I would hate to want to do things and then us not have the money to do it.

The Chair:

Thank you, Mr. O'Connor. Other discussion? Mr. Hertzberg.

Mr. Hertzberg:

Just for a second, on the topic you just left, Bob, relative to the schools. I think TCI has been extensively involved with some of the suburban school districts, where they will be able to correspond directly from remote locations with the students in some of these suburban districts, as if you could have a teacher on the other end of the building teaching students in the other end, the back building or in another building ten miles away with the students able to interact with the teacher through the new technology that they have.

But, on this bill. I compliment you, Mr. Cohen, for all your hard work and there certainly has been a lot, and there is no doubt that your dedication to this cause is a great benefit to the taxpayers of the City of Pittsburgh and it is very much needed to keep TCI in check, but I respectfully disagree with this suggestion to cut the franchise fee. I think the average subscriber, if we do pass this legislation, will receive a 13 cent benefit per month; however, the result to us here in City Hall is $200,000.00 less of revenue. And, I accept your premise that this is a tax, and accepting that as such, I just do not think this City is in the position to be cutting taxes today. We did not cut the Wage Tax, we did not cut the Real Estate Tax, instead we cut our workforce here on the City of Pittsburgh. We laid people off this year. We asked people to take a three percent reduction in their pay, now we are asking our labor unions to hold the line while the contracts are being negotiated. It is just not the right time to make a cut in revenue from this particular source. The only cuts that we

are making we are required to make because we have replacement revenue to the Regional Asset District.

So, I acknowledge it is a tax and, of course, it is very appealing to say we're going to vote and cut taxes but I just do not think it is financially responsible, and that is why I am voting "no".

The Chair:

Thank you. Other colleagues, other comments? Councilwoman.

Ms. McDonald:

Thank you, Mr. President. First, I do also want to commend Mr. Cohen because it is obvious that he simply wants to help the citizens of the City to be able to afford to view their TV with clarity and to be able to gain the information that is available through the media, that helps them, likewise, make wise decisions as citizens. I, too, share that spirit, but I am uncomfortable because of concerns that I have of things coming down the pipe. One is, again, authorities, our boards and authorities, and what have you, the impetus to have those meetings televised and knowingly to have -- it will be TCI. Again, the School Board issue, for their meetings to be televised. Not only for their meetings to be televised, but to have the TCI be a major educational tool within the classroom. So, these are issues. These are possibly costly concerns that I have.

And, I am very uncomfortable depleting the pot. Believe me, I agree with you; that if it is really not going to be used for anything except taxing the citizens, which it is a tax, let's all face it, it is a tax, I can go along with this. I am only going to vote "no" because I know of other -- I do not want to deplete funds that we may need down along the way.

One thing I would like to ask, since Mr. Cohen has been the leader, as far as even addressing this whole cable issue and rates and making sure that there is fairness within the common citizens within the City, I would like to ask my colleague that, right after the meeting, I got a couple phone calls, first of all, fussing at me, "Where were you?" And, I told them, "I was doing constituent work, I was working for my community." But, they were Senior Citizens, and you know what they fussed, they told me, "Why don't you all address Senior Citizens and help us to be able to afford cable," and I never thought about that. So, I am throwing that out on the table, as far as how we can accommodate the folks in the City.

And, like I said, I would hope that you would continue to take the lead on this, is to be able to maneuver monies around and to work with TCI and restructure things, such that Senior Citizens can get a break, I mean they are taxed tremendously on a limited income. I think it would be worthy to be able to help them be able to not only just view Council meetings but to just get clarity on the major channels, so that they can be abreast of what is going on, as well as disadvantaged people.

But, this is why I cannot at this time, it is only because I know there are things down the pipe. And, I will be frank with you, if I had to maneuver these monies, I would not deplete it, I would help soften the blow of people who really are disadvantaged for one reason or another in this City.

But, again, I applaud your efforts.

The Chair:

Thank you, Councilwoman. I think you have already heard my view on this the other day at the meeting. This will be the second time today I have to defend the Administration's point of view, even though they stole my riser back here, but I fix that by cutting down the podium. This proposal is certainly well-intentioned and I want to applaud my colleague, Mr. Cohen, who spent a lot of time and thank his family also because I know he was away a lot at meetings and really did a lot of research and I applaud him for the bill that we already approve in final form after the Standing Committee, and that is the fundamental bill that we had to approve on the rate issue, and I want to thank Dan, in particular, for all his work.

I respectfully disagree, though, with this cut. I do think it is going to be penny-wise and pound foolish and, more importantly, it amounts to be a customer placebo. The fact of the matter is that it is not a tax, and I disagree with my other colleagues, it is a user fee. A tax is uniformly something that everybody has to pay. This is a

user fee that falls on the burden of those who do have cable, and for the little bit of money, a couple of pennies off a bill, it would really substantially devastate the ability of this City Government to run an effective Cable Bureau operation, of which I believe we have one that is not only effective but has the potential, under the new Mayor and the new leadership, to be even actually more effective.

In terms of the actual loss of money at this time, I think it is penny-wise, as I indicated, because we just have fundamentally a new Federal Law regarding cable rates and the ability and the responsibilities of local government to deal with regulatory review. We have seen -- just in this last six months alone, we have seen this Council be approached by the Administration for significant amounts of money involving new equipment. We capitalize the upper floors significantly and, unfortunately, all of the equipment is at the point right now, we have seen it evidenced with the switch on device -- whatever we called it -- as well as some of the cameras. We are at the point right now where a lot of that equipment is at its eight to ten year life and we are going to find many more requests for capital cost associated with the running of the Bureau.

The meeting -- this past Standing Committee Meeting, in terms of fees, I believe Mr. Wormser, our consultant, who appeared briefly in Chamber, albeit I am not even sure what he said and whether or not it was even important for him to be here, but it did cost us several thousand dollars to have him here at the meeting providing consultant advice. I would think in the future, especially as Bell Atlantic and other companies possibly will come into the area, we are going to need the advice of CPA firms and accountants and others who have some expertise regulatory wise, in addition to the good work that Director Miskovich and Mr. Schannauer and Mr. Cohen and others have provided, the insight to this Council. Now is not the time to be cutting those costs.

If there is a balance in the trust fund, then I say let's fire the person in the Administration who is computing the indirect cost recovery. There should not be any money. And, there is nothing wrong with City Government and the Operating Budget recouping the burden of having the operation and the department in the first place. I question whether or not we are charging enough rent per square foot for the existence of the Bureau on the ninth floor. We may not be recouping adequately all the different costs associated with the Bureau, whether it be employee, direct or indirect costs. If one employee has a major compensation claim, and God forbid anything should happen, that is a burden that would fall back and certainly would eat into the potential revenue that would be in that trust fund.

And, fifthly, and the main reason why I am opposing this also, is the issue of programming. It goes back to Valerie. Valerie raised a policy issue about whether or not any revenues could go to deal with the bills of elderly rate payers. There may be other programming issues that we might want to explore.

Director Miskovich made a convincing argument about the cost associated with the developing of program, especially Public Safety program and the educational portion of our City's Operation Channel. I think given many of the changes that will happen, not only the recent Water and Sewer Authority change, but others that are contemplated by this Administration in cooperation with the County, changing the way certain things have been done in City Government, many of those things I think need to be brought to light in creative programming so that City residents are aware of some of these changes that will happen in City Government over the next few years.

Another thing in terms of programming, not only obviously I would still like to see the School Board meet here and cable cast their meetings, but I have always wondered why we cannot use some of this money to market the City Channel to other municipalities outside the City who are part of TCI's family communities. We have a lot of great programming. If we are promoting a Housing Rehab Program at the URA, or a NeighborFair activity, I mean we are the hub, we are the livingroom of the region, everybody talks about Council. When they say "Council" they presume City Council in Pittsburgh, they do not presume the Blawnox Council or the West Aleppo Council. When people say "Council" they mean City Government, City of Pittsburgh, and we have a lot of great things that we could be marketing and I am wondering whether or not we cannot use some of these program fees to buy into TCI's ready made network to other municipalities, to market so many of the good programs that Mayor Murphy and the new Directors and others

and this Council are involved in. Goes back to promotion and marketing of all kinds of different City services and activities.

So, again, now is not the time, as Mr. Hertzberg pointed out, to make this change. I do respect the offer and the intent of why it was made but I disagree in principle.

Mr. Cohen. Go ahead, Mr. Hertzberg, and then we will let you close out with comments.

Mr. Hertzberg:

One thing I wanted to mention in my previous comments and it slipped by me, was the position of the Citizens' Cable Advisory Board on this particular piece of legislation, that is our direct input from the citizens of this City who voluntarily serve and keep very well abreast of all this information, they were not in favor of this piece of legislation.

The Chair:

Thank you, Mr. Hertzberg. Councilman Cohen, would you like to conclude, please.

Mr. Cohen:

Yes, thank you, Mr. President. Somebody wiser than I once said that when you are in the minority "talk" and when you are in the majority "vote". I am going to break that rule this morning, I am not going to talk long because I can count out here today.

But, just two things. One is that, when you talk about the Cable Bureau paying rent to the City, I cannot think of a better symbol of the problem with this franchise fee. How many other departments pay rent to the City of Pittsburgh for floor space in this City-County Building? Do we charge the General Services Department rent? No. Do we charge this City Council rent? No, it's absurd. We're charging ourselves rent. That is what is happening at the Cable Bureau. We charge the Cable Bureau rent, so that money comes back into the General Fund, which is really, in my view, and I know I disagree with you, Mr. President, on that, but I think it is a false way of taking money from cable subscribers. It is a -- we call them indirect costs. In fact, that is not a real cost, it is a false cost, so we can put money into the General Fund, and that is not what the franchise fee was intended to do.

On the programming, I absolutely agree with you, that we need to expand the programming. And, I will give you one good example. I have a committee going, and Councilman Gene Ricciardi is helping me on this committee, and Deborah Miskovich is looking into it a great deal, and that is, to actually get foreign programming on our cable system. For example, Italian television, or German television. We can do that now. We have the technology to be able to do that, and I think it would be terrific. But, we can do it within the budget that we have, we absolutely can.

And, as I said, I can count out here today, but I would hope that my colleagues would take one last look at this to reduce this false tax in a way that will not hurt our cable programming. Thank you.

The Chair:

Thank you very much, Mr. Cohen. Thank you for your hard work.

Hearing no other discussion, we will have a roll call vote on Bill 1390, involving the cutting of the franchise fee. Will the Clerk please call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Cusick	Mr. Ricciardi

AYES 4 NOES 4

VOTING NO:

Mr. Hertzberg	Mr. O'Connor
Ms. McDonald	Mr. Ferlo (Pres't)

And there not being a sufficient number of majority votes of Council being in the affirmative, the bill was tabled.

The Chair:

I was thinking about my riser.

Mr. Cohen:

I was hoping you would rise to the occasion, Mr. President.

The Chair:

I'm trying, I'm trying.

Discussion on the remaining bill. Clarification, Mr. Cohen, on Bill 1391.

Also, with an affirmative recommendation,

Bill No. 1391

An Ordinance entitled, "An Ordinance amending and supplementing the Pittsburgh Code, Title Four, Public Places and Property, Article II, Communications, Chapter 425, Cable Communications to Establish a Maximum Late Payment Fee for the Untimely Payment of Bills for Cable Television Service and Codifying Previously Adopted Customer Service Standards."--- **(SPONSORED BY MR. COHEN)**

Which was read.

The Chair:

Mr. Cohen, do you want to speak to this bill..

Mr. Cohen:

Thank you, Mr. President. First of all, I would like my comments brought forward on this bill.

(REMARKS -- SEE ADDENDUM)

Mr. Cohen:

This bill and the other one that was passed last Wednesday involve the regulation of our cable television monopoly, TCI of Pennsylvania.

We had a disagreement on the last issue, obviously, you win some, you lose some, but I think we are all in agreement about the need to put pressure on TCI to control its rates and improve its service. These bills are really the culmination of a process that began in June of 1993, when this Council began regulating cable TV, making Pittsburgh one of the first, if not, the first City in the country to do so. We all know how TCI's rates and charges were skyrocketing out of control between 1986 and 1993, the Basic Rate increased 120 percent in that six-year period, the Expanded Basic Tier increased 125 percent in that period, when the inflation rate only went up 29 percent. Because this Council felt that it was our duty to put the brakes on this runaway train, those rates and charges have come down, and this bill will further control those rates and charges; specifically rejecting TCI's proposal for an increase in Basic Rates, rejecting TCI's installation over charges between September 1993 and August of 1994, and three, ordering a reduction in TCI's late fee from $3.15 to $1.58 a month.

TCI has lobbied hard against these actions and may well sue us if they go through today, but what they want to do -- what they want us to do is to approve these rate increases and late fees in the dark; they say, give us the rate increase and keep our late fee high, even though we refuse to give you the cost information that justify them. What we are saying with this bill, is "no, we have a duty to protect the consumer, and when you show us that your costs have increased, unless you do that, we will never improve a rate or a fee increase."

I want to thank every member of Council for standing up to this cable television monopoly last week and ask that you do so again today. It has not been easy because they have lobbied this Council very hard, but it is right.

On the late fee TCI threatens us in writing that they will increase rates to all customers if we reduce the late fee. I think the answer here is the same as it was with their proposed rate increase. We cannot approve this high fee in the dark. So far TCI has refused to show us their administrative costs associated with this fee. If they do so and those numbers justify a higher late fee, and that is what I said last Wednesday, then we will reconsider because we would not want a rate increase to all subscribers, obviously, but -- and that is why we have an April 1st effective date. But, if they do not provide those costs, or if they provide those costs and they do not justify a late

fee any higher than this, then we will continue in the direction that we are going.

They say that they will object to it, they imply that they might sue us in court; if they do, we will fight it and we will win because everyone knows that late fee is too early and it is too high. They charge us a late fee even before a 30-day cycle that is normal in every other industry comes up due, and also it is a 20-day cycle for TCI, not a 30-day.

Moreover, it is easy for TCI to get customers to pay their bill. It is not like a furniture dealer who sells a sofa and then does not get paid for it. It is pretty hard for a furniture dealer to go to somebody's home and take a sofa out. Here all TCI needs to do is shut off their cable, and we know that they do that very often.

Finally, their late fee is much, much higher than what the PUC requires for utilities. Even the late fee we are approving today is twice as high as what the PUC, Public Utilities Commission, allows for utilities.

So, these recommendations may be tough but they are very reasonable, and despite TCI's threats, we have a duty to protect the consumer and within the limits of the law, and that is what these bills do.

I want to thank every Member of Council, as I said before. I also want to thank Dave Wormser, the cable consultant to this Council, Deborah Miskovich, the Director of General Services, Ashley Schannauer and the Law Department, who worked very hard on this, and also the Cable Advisory Committee.

Thank you very much, Mr. President.

The Chair:

Mr. Hertzberg.

Mr. Hertzberg:

Thank you very much, Mr. President.

I do not know if you missed a vote or what you are referring to relative to the rate increase request, Mr. Cohen. We voted on that at the --

Mr. Cohen:

Yes, last Wednesday.

Mr. Hertzberg:

Because that is not before us. The bill on TCI seeking a rate increase, we voted on last week, and I voted in favor, which was not in favor of an increase, it was in favor of us not approving that particular rate increase. This bill deals only with the late charge. Again, our Citizens' Cable Advisory Council was against this particular bill, the reason being that it would allow TCI to pass its late charge on to all customers, if they are able to justify it. As a result, everybody would be paying for those who are late. Because of that, I am voting "no" on this bill.

The Chair:

Thank you, Mr. Hertzberg.

On this bill I am voting "aye" only because of the April 1st effective date and Councilman Cohen's point that he has engaged in activity on behalf of this Council to get true and accurate information regarding the actual cost associated with the collection of the late fee.

So, I am voting "aye" to move the debate ahead and to try to get TCI to bring forward some specific numbers to justify the late fee. So, in that spirit I am voting "aye".

But, I am concerned about two points, and that is, if it can be shown by TCI, pending the final adoption of this bill, that the late fees are justified and only will be transferred to the rest of those individuals who do pay their bill on time, then I do have a concern about lowering the late fee because I do not think inherently it is fair that the whole lot of subscribers be burdened with the small number who are late, for whatever reasons, good or bad reasons why people are late on their bill. I would also hope there could possibly be a leveraging tool because I think the real issue that we should zero in on in the issue of the late fee is what Mr. Cohen described as the delay, and that is the fact that they bill -- we get our bill and actually start accumulating time on the late fee even before we actually receive the service, and I would hope that maybe that is a middle ground that we can begin to try to find some compromise with TCI.

Secondly, one of the problems that fundamentally led to Warner Cable's demise is bad debt collection, and we do have a healthy company here, TCI, I know we have certainly been critical and it is easy to take a shot at them on behalf of the consumer, but they are a very important employer and company here in the City of Pittsburgh, and I do think we want to see them remain a healthy company. And, whether you like it or not, any company, including utilities, have the burden of dealing with bad debt collection, the issue is only doing it and dealing with it in a fair manner.

So, in that spirit I am voting "aye" to move the debate ahead, but I still have reservations, which I hope will be resolved when and if we actually receive some additional information.

Ms. McDonald, do you have your hand up?

Ms. McDonald:

Sort of. Yes and no. I just want to say that the late fee that is typically charged is almost ten percent of the total bill, and I do not know of too many companies or utilities or whatever that charge ten percent per month because you are later than 20 days. And, again, I agree with Mr. Cohen -- and I will be voting affirmatively on this bill -- that you are charged in advance, and then to have to -- and it is very easy to get this late fee, too easy for most residents. And, like I said, sometimes it is about ten percent. That is pretty hefty. And, that is just a very simple reason why I am voting for this bill.

The Chair:

Mr. O'Connor.

Mr. O'Connor:

I, again, want to commend Mr. Cohen on this. I am going to vote with him on this because I can feel it is very high and the amount of time, and I hope by April 1st that they can work out some – at least a longer time to collect this money, too. I think that is one of the potentials. Paying this high fee is one thing but it is such a short time, especially when you paid it. This is one of the few things I know of that we pay in advance.

Also, though, what you said, Mr. Ferlo, I think this is a respectable company, and I understand they are looking at bringing possibly more of a regional facility to them, also bringing maybe three, four hundred more jobs. So, I think working with them as closely as we can, it is better, not only for our viewers out there but for the economy of the City. So, I agree with should work with them, but I think Mr. Cohen is right, this looks very high, and I hope they come up with the right figures by April 1st and agree with this.

The Chair:

Thank you all. Let's vote. Again, we are voting on this bill.

Hearing no other discussion, will the Clerk please call the roll. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no".

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Ms. McDonald	Mr. Ricciardi
Mr. O'Connor	Mr. Ferlo
	(Pres't)

AYES 6 NOES 1

(MR. HERTZBERG VOTING NO)

The bill having received the legally required number of votes passed finally.

The Chair:

Committee on Public Works, Water and Environmental Services. Councilman Ricciardi.

Mr. Ricciardi:

That's a lot to say, Mr. President.

The Chair:

Thank you, Mr. Ricciardi.

Mr. Ricciardi:

Thank you.

MR. RICCIARDI PRESENTED

Bill No. 1442

Report of the Committee on Public Works, Water and Environmental Services for December 14, 1994, transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 1420

A Resolution entitled, "Resolution authorizing the Mayor and the Director of the Water Department to execute a Cooperation Agreement and amendments thereto with the Pittsburgh Water and Sewer Authority to provide for the creation of a fully operating Authority."---(AS AMENDED BY SUBSTITUTE)

Which was read.

Mr. Ricciardi:

Mr. President.

The Chair:

Mr. Ricciardi.

Mr. Ricciardi:

Thank you. Pittsburgh City Council, our City Clerk is in receipt of a petition, one that will be and should be honored by this body. Procedurally, I believe, that we should -- and I will look for help on this from the President --should we recommit or just table the bill?

The Chair:

Motion to recommit Bill 1420.

Mr. Ricciardi:

Recommit. Thank you. Motion to recommit.

MR. ONORATO seconded the motion.

The Chair:

All in favor?

WHICH MOTION PREVAILED.

The Chair:

The bill is recommitted. This is the actual Cooperation Agreement, which will be recommitted and then held for a public hearing. The public hearing has been scheduled for January 10th on the Water and Sewer Authority Cooperation Agreement, 2:00 p.m., here in Council Chambers.

Mr. Ricciardi:

Just a point of order, Mr. President. At the end of the year, though, doesn't the bill itself die; does it need to be recommitted?

The Chair:

Bills only die when a new Legislative Session is seated. We are still within the Legislative Session.

Mr. Ricciardi:

Thank you.

The Chair:

And, January 11th will be the public hearing, as this Council as requested, on the issue of the Parking Patrol Officers and Residential Sticker Parking being transferred to the Parking Authority.

MR. HERTZBERG PRESENTED

Bill No. 1443

Report of the Committee on Parks, Recreation and Youth Policy for December 14, 1994, transmitting two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 1375

A Resolution entitled, "Resolution providing for an Agreement or Agreements with the Greater Pittsburgh Campfire Council for the benefit of residents of the City of Pittsburgh, at a cost not to exceed $3,000.00, chargeable to and payable from Code Account 1838 (183806), Miscellaneous Services, Department of Parks & Recreation."--- **(SPONSORED BY MR. FERLO)**

Which was read.

Also,

Bill No. 1376

A Resolution entitled, "Resolution providing for an Agreement or Agreements with the Bethel A.M.E. Church on behalf of The Children of Love Theatre for the benefit of residents of the City of Pittsburgh, at a cost not to exceed $2,000.00, chargeable to and payable from Code Account 1838 (183806), Miscellaneous Services, Department of Parks & Recreation."--- **(SPONSORED BY MR. FERLO)**

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Hertzberg	Mr. Ricciardi
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 7 NOES none

The bills having received the legally required number of votes are passed finally.

MR. COHEN PRESENTED

Bill No. 1444

Report of the Committee on Public Safety Services for December 14, 1994, transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 1393

A Resolution entitled, "Resolution providing for an Agreement or Agreements with instructors to conduct training at the Training Academy with recruits."

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Hertzberg	Mr. Ricciardi
Ms. McDonald	Mr. Ferlo
Mr. O'Connor	(Pres't)

AYES 7 NOES none

The bill having received the legally required number of votes passed finally.

MR. CUSICK PRESENTED

Bill No. 1445

Report of the Committee on Engineering and Construction for December 14, 1994, transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 1354

A Resolution entitled, "Resolution repealing Resolution #696, effective August 23, 1989, entitled, 'Providing for a Cooperation Agreement or Agreements with Armstrong Square, Inc., for the design and construction of street improvements, sidewalk improvements and public utility improvements in the vicinity of 21st, 22nd, 23rd, 24th, and Railroad Streets in the City of Pittsburgh;' and providing for the payment of the costs thereof."

Which was read.

Also,

Bill No. 1355

A Resolution entitled, "Resolution providing for a Contract or Contracts, or use of existing Contracts, and/or an Agreement or Agreements, or use of existing Agreements for the Renovation of Various Public Buildings; providing for the purchase of equipment and/or materials for said projects; and providing for the payment of the costs thereof."

Which was read.

Also,

Bill No. 1356

A Resolution entitled, "Resolution providing for a Contract or Contracts, or use of existing Contracts, and for the purchase of equipment and/or materials in connection with the Rehabilitation of Roofs of Various Buildings; and providing for the payment of the costs thereof."

Which was read.

Also,

Bill No. 1357

A Resolution entitled, "Resolution providing for a Contract or Contracts, or use of existing Contracts for the Rehabilitation of the Meadow Street Bridge; providing for a Reimbursement Agreement or Agreements with the Commonwealth of Pennsylvania, Department of Transportation; and providing for the payment of the costs thereof."

Which was read.

Also,

Bill No. 1358

A Resolution entitled, "Resolution providing for the creation of a special trust fund to be known as the "Meadow Street Bridge Trust Fund" for the deposit of funds and reimbursements to be used for the Rehabilitation of the Meadow Street Bridge."

Which was read.

Also,

Bill No. 1359

A Resolution entitled, "Resolution further amending Resolution No. 1455, effective January 1, 1994, entitled, 'Adopting and Approving the 1994 Capital budget and the 1994 Community Development Block Grant Program; and approving the 1994 through 1999 Capital Improvement Program,' by creating a new line item (EC94-63 Meadow Street Rehabilitation Trust Fund Transfer)."

Which was read.

Also,

Bill No. 1360

A Resolution entitled, "Resolution adopting Official Sewage Facilities Plan for the GLEN CALADH HOUSING, PLAN OF PROPERTY."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. O'Connor
Mr. Cusick	Mr. Onorato
Mr. Hertzberg	Mr. Ricciardi
Ms. McDonald	Mr. Ferlo (Pres't)

AYES 8 NOES none

The bills having received the legally required number of votes are passed finally.

MOTIONS AND RESOLUTIONS

The Chair:

Under Motions and Resolutions. As you can see from the agenda today, I have appointed and Councilwoman McDonald has accepted chairing the Committee on Housing, Economic Development and Promotion. This is a very important committee of this Council; it will continue to work directly with the Urban Redevelopment Authority and all of the legislation associated with those activities will come through this committee, as well we have both communicated to the Mayor; it is very important that Valerie be seated on the new Community Development Corporation and other entities that are being created by the URA, Urban Redevelopment Authority, both at the commercial level and at the housing level. I think that would be a good linkage and a good representative to be on these new non-profit boards that are being contemplated by the Administration.

I would also ask, and I know Valerie will follow-up. We would like a more direct link to some of the promotion groups that the Mayor and his staff are directly involved in. We really need to be more of a partner in that, and I know with Valerie's leadership, she will be able to adequately -- more than adequately represent this Council on a number of different marketing and promotional activities and groups that are working either directly or indirectly with City Government. So, I want to thank you.

Also, I would like to appoint Valerie to the Board of the Carnegie Library, the Board of Trustees. In her past capacity as President of the School Board, she was very active with the Library system; Councilman Smith was an active member also, and I would like to ask Valerie to take on that additional burden and responsibility, and I also believe you will sit on the Buhl Center with that appointment.

Any other matters? And, thank you, Valerie. Any other matters under Motions and Resolutions? Mr. Cusick.

Mr. Cusick:

Thank you, Mr. Ferlo. I just wanted to bring up a topic that this Council, I think, played a very important role, and I would like to thank my colleagues for helping me make some changes to what is now called the HOV Busway Bridge. And, as you may have all seen in the paper just in recent days, that the bridge that will be coming across from the Wabash Tunnel, will no longer have the loop. The loop has been -- that design has been changed, and I think this Council needs to take credit for that and played a very vital part in that happening.

I had a post agenda, I appreciate my colleagues who attended, and we will be holding another one in the near future. I think there still needs to be some changes made, and I will be talking with the Port Authority in hopes that they can accommodate our needs and the needs of the Sheraton and Station Square folks.

So, again, I just want to thank you for getting involved and realizing how important this matter was to, not only the businesses of Station Square but to the City of Pittsburgh in whole.

The Chair:

Thank you, Mr. Cusick. And, you will schedule that meeting right after the first of the year?

Mr. Cusick:

Yes, I will.

The Chair:

Thank you very much. Other comments? Mr. O'Connor.

Mr. O'Connor:

Yes, I was concerned. Mr. Cusick, did they get back to you? They were supposed to get back to us. It looks on paper, reading the paper, it looks like they did what we wanted, but I am concerned they did not show us the respect -- that you had a meeting, we all were there. I thought they should at least be showing us the details before they announced at the meeting, in case we do have a problem, and also including the -- as you say, the businesses that it will affect, not only in Station Square but on the City side. So, somehow we still -- I still feel out of the loop, although we eliminate the loop.

The Chair:

The dupe loop.

Mr. O'Connor:

To your credit, holding the meeting, but I was a little disappointed that they did not get a hold of you and Councilmembers before this news conference, so we know where we are at.

Mr. Cusick:

I did, in fact, this week meet with Mr. Millar in regards to the nature of the changes, but at this time, and I think you have to keep in mind that these changes were made very quickly, and the details of where the abutments and that will sit on the Station Square property is not yet totally ready to give to the public.

Again, like I said, Bob, I think that there is some more room for additional changes and that being that my hope is to see the entire bridge just moved over a little bit more to allow to free up from the parking area. I know that is what I would like to see. I have talked to some other Members of Council and they would like to see that, too. And, the reason being that the impact it would have on the Sheraton and their parking.

Like I said, I have been in contact with Mr. Millar, he tells me as soon as they have those details that you are talking about, they will provide them to this Council and I will be more than happy to share them with you.

As Mr. Ferlo said, at the beginning of 1995, in January sometime, I will set another post agenda. At that time I hope to get the answers that you are looking for.

But, I really think that Port Authority really did a heck of a job of going back to the table and redesigning the way they have up to this point. I really think they put a lot of work into it and, for the most part, it meets a lot of our needs but, again, I think that we have to look at the impact it will have to Station Square and what we -- and probably one of the most successful hotels that we have here in the City of Pittsburgh.

And so, for that reason, I am very happy to say it has changed and my hopes are that there will be some additional changes to that and with the help of this Council we will see that happen.

Mr. O'Connor:

Well, again, it looks like they are doing what we asked them. And, I happened to call him at random and he said he was going to call you to keep you, as the Chairman of this committee, and I think Mr. Hertzberg, that is his district, I mean that you guys should be on top -- out of courtesy, on top of every move before it is made. And, that is why I just hope they do not make the same mistakes they did before, all these things and then come to us last because we still have touch-down concerns where some of us agree or disagree, I think we have to be a very major part of that.

Mr. Cusick:

I think, for the most part, they are pretty adamant in saying that the touch-down point is going to stay the same. They do not see where -- another touch-down point. But, I think that what we need to look at now, and if they are so stuck on Market Street being there, is try to find a happy medium here for everyone to live with, and that may be that we get the design of the bridge to move over again, approximately another hundred feet, and if that would help the Sheraton because they, too, have expansion plans, and we want to see them be able to expand in the future and their parking needs met.

And so, I will be meeting with Forest City in the very near future, and with the Conley Group and Port Authority in hopes to coming up with some type of compromise in that respect.

Mr. O'Connor:

Good.

The Chair:

Thank you. Mr. Hertzberg.

Mr. Hertzberg:

Thank you, Mr. President. Yes, there is a lot at stake with this HOV, I mean I think that is why it is taking so long. I know Port Authority now has proposed to redesign, they are able to do that because they believe that the new owners of the property. Forest City and Promise Companies may be in agreement to it. With the previous owner they were not in agreement. Forest City is really taking the lead. They are taking a look at the master plan. There was a whole Station Square II master plan that had been developed by the previous owner, Pittsburgh History and Landmarks. They are trying to evaluate that, they are trying to evaluate the proposed new location from the Port Authority and there are a whole lot of issues, including the question of the new roadway spine line, the Sheraton and then all the future development plans. So, that is probably why we have not been advised on it at all because I do not think there is a final agreement, at least, with the owners of the property.

The Chair:

Well, there is pending a lawsuit by the environmental groups. So, fortunately or unfortunately, depending on your view, that is probably going to delay this whole process anyways, and I think we do have an ability, under Mr. Cusick's leadership, to reconvene with that working group. The Council, I think, was divided on the issue of the touch-down. I still remain in opposition to the Market Street location. But, setting that issue aside, I believe this Council is near unanimous on at least two principles, one, that whatever design comes out of the tunnel, has to be safer than the so called dupe loop, that was the case before. At least right now in the appearance of things, the Port Authority has met that one concern.

And, secondly, and I believe this is the view unanimously of this Council, is that the Sheraton Hotel and the Station Square Complex has been a major benefit to this City, and to the extent that this design does not have to disrupt the ability of the Sheraton to expand, whether it be parking needs or additional hotel rooms, I think we would like to see that. And, unfortunately, right now, if the design, albeit an improved safety design, does not move over to the left, the westerly side, a little bit, we are still not going to have the other principle met that I think is the majority interest of this body.

If need be we still have the power to reconsider the easement vote as a leverage, but I think we need to work through the process, convene early after January and see where we are at.

Any other comments? Mr. Cusick.

Mr. Cusick:

Just to finish up here. I think that we need to send a message, and that is not one of -- to developers, such as Forest City, that "No, we're not looking out for what your needs are, but we are a City that is committed to people that are committed to us." I think that has been shown through the Sheraton, Station Square and the Conley Group, and we need to sympathize with their needs, too, and I think that Forest City needs to do that, too. I think that Forest City would respect that because they want to have future development here in the City of Pittsburgh, and I am sure they would not want this City or this Council to turn its back on it. And I think that is our responsibility here, that we look at what we have and what we cannot have and the commitment that we have to that. So, if Council would keep its mind open.

The Chair:

Thank you very much. Any other comments under Motions and Resolutions? Mr. O'Connor.

Mr. O'Connor:

Just to follow up on that. Are you saying we can either table or hold that easement?

The Chair:

I am advising that we move quickly after the first of the year because it is just difficult to pull a productive meeting together because of the holidays. Under Mr. Cusick's chairing the committee, we meet directly after the first of the year with the parties again, and again impress upon them this Council's unanimous concern about the safety of the design, as well not disrupting the potential expansion of the Sheraton. It makes a lot more sense to build on vacant land than build on top of a very productive and profitable benefit to this City and that is the Sheraton Inn complex. I think we want to reiterate that. I am only suggesting tactically as leverage we always have the ability to raise question about the easement, that would be our only leverage at this point, and that is whether or not Council wanted to give reconsideration to that. I am not proposing that we do that, I am only saying we have leverage.

Mr. O'Connor:

We may be able to look into it then?

The Chair:

Absolutely.

MR. COHEN moved to approve the Minutes of Tuesday, December 13, 1994, and Friday, December 16, 1994.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

The Chair:

Any other comments? If not, happy holidays, and I will entertain a motion to adjourn.

And on the motion of **MR. ONORATO**

Council adjourned.

(BEGINNING - MESSRS. FERLO AND O'CONNOR AND MS. MCDONALD'S COMMENTS ON BILL NO. 1362, DECEMBER 14, 1994)

Mr. Ferlo:

I respectfully want to disagree with my colleague on this specific bill but I understand his concern for it. We had discussion a few days ago about this whole issue of various agreements that right now are in place whereby payment in lieu of taxes are being made; previously negotiated agreements. At that time I made clear my objection and I also raised the question and it's kind of a little bit different than where Mr. Hertzberg was coming from in this bill. My objection at least so I can clarify it is that I don't see how the Law Department can sign for what amounts to be City Council's prerogative on whether or not we want to agree to some payment in lieu of tax. The passed agreements that are in place did not get approval by City Council to my knowledge whereas using the School Board as an example, the School Board as a board and as a policy legislative body had to vote on the payment in lieu of taxes. my main concern is that prior to any administration agreeing to sign on the dotted line that we are going to forego taxes or have some lucrative arrangement I feel that this Council should legislatively and I still question legally how that was done but in any event I believe that this Council should retain the right and that's originally what I thought Mr. Hertzberg's bill was. The reason why and I respectfully disagree with his bill is and I also question it legally. I don't know that we as a legislative body can dictate to the independent solicitor under the powers of the Home Rule Charter as well the executive branch and hamstring their ability to necessarily file appeals in terms of the prerogatives that they have on their state statutes in the Home Rule Charter. That's different than what the past Administration did in nullifying or not recognizing Council's role in having to approve any agreements that tentatively would be worked out and sanctioned by a court. Maybe Mr. Hertzberg can kind --

Mr. Hertzberg:

-- I'd like to respond and I think you're talking two separate issues here. The one issue being approval of agreements to pay taxes or do something in lieu of paying taxes and I agree with where you stand on that. Those items should have come before this City Council and we have had a few things this year of the same nature that for whatever reason never came before Council and under our City Code items of that nature have to go through City Council. They have to be approved by us and now this is something different. This is not addressed right now by the City Code and it should be. City Council is in charge of the revenue -- we set the taxes. We just legislated

on what the millage will be for next year. This is a part of that whole scheme. It may not be the millage but it's a decision on who is going to pay taxes and I think it belongs in City Council. When you give to the Solicitor or whoever else we won't know who it is, the authority to make a decision that we're going to go after A tax exempt but we are not going after B, C, D through F, it's a big policy decision has been made there and we haven't been a part of it and we never will be unless we do something right now.

Mr. Ferlo:

In response to that. I can support some type of bill that talks about what I outlined but the only reason why I disagree with what you're saying is right now as a legislative body we dictate taxation. Uniform fashion based on the state law and the powers that are given to us locally; that is uniformity and everybody has to do it in uniform fashion, period. If the Administration feels that someone is not doing that, they have a right to file an appeal on this issue of whether or not somebody is saying they don't have to be burdened or obligated to pay the tax and that their prerogative either the Solicitor or the Mayor. That's different than the issue of this Council being denied our powers and in fact has already happened in that somebody else independent of this Council has agreed to forego tax revenues or agreed to accept some other third party standard violating the uniformity clause.

Mr. Hertzberg:

I don't think we need to get into that issue on what agreements have been made and if it does come up again I think we'll get into it at that time but this is deals with the issue of appeals and not whether you ultimately enter into an agreement or not.

Mr. Ferlo:

If right now let's say XYZ University was clearly engaged in some profitable activity like selling food and the Administration wanted to pursue its powers to appeal to the Board of Assessment, why does that necessarily have to come back to us? They should do that. They already had that power and they should retain that power to act on behalf of the municipality based on state statute and the local Home Rule Charter. It doesn't need a concurrence from Council as a legislative body.

Mr. Hertzberg:

At the moment it doesn't and if you don't want that opportunity to review that the fact that they are going after

University A and not University B, C, D and E, that's your prerogative and you can vote no to this. I want to exercise some oversight here. I am not saying that the current administration is in any way going to abuse this tactic but I think it should be in place so that we can exercise some oversight on this extremely important topic and it goes back to some of the most ancient concepts of taxation when you have that power of taxation. That is a a mighty power and it's a power in some cases to destroy a nonprofit institution especially with a protracted battle over tax exempt status.

Ms. McDonald:

I wanted to get some legal input if I may from Ms. Morrow.

Ms. Morrow:

I think you do have oversight. If you think that we should be pursuing someone or you think we shouldn't be pursuing someone then you come to the Law Department and you question what we're doing. We try to make an objective analysis of the facts and the law. My concern is that you'll politicize it by having it come to you and that is dangerous.

Mr. Hertzberg:

In what way?

Ms. Morrow:

People will get to lobby you and so you won't be consistent. It will be who the person who cries the loudest.

Mr. Hertzberg:

I don't know if I'm missing something but I consider that to be what we're elected to do.

The Chair:

I'm not sure I'm going to vote for this but on that issue Solicitor I agree with the Councilman in that the Mayor is also an elected official and he can be lobbied too. He can direct who he goes after or she goes after, I am not picking on this mayor. We are all politicians and that's the way democracy works. But on the issue of what Councilman Hertzberg is bringing up, the reason I say I'm not sure if I'll support this because any one of us at this point can enter this legislation directing you to question any particular hospital or directing you to explain to us why you pick certain ones and not the other ones. We can also legislatively put it in and read it at the table and discuss it on TV too, we have that prerogative.

The other thing, on the agreements though. If you take Mr. Ferlo's view in that the executive branch that's your duty to go out there and pick and choose which one you're going to go after and pick your battles --

Mr. Ferlo:

-- I'm making it very clear I didn't say that. I am saying we expect as a legislative branch having passed tax laws or as the legislative branch responsible for other state statutes or county taxes that were part of the system, I expect that there's uniformity. That anybody out there be it a nonprofit institution or XYZ Corporation or Jim Ferlo as a homeowner that everybody is paying their taxes and if they are not, I want to make sure the Administration and the Finance Department and the Law Department pursues it in whatever manner is appropriate to make sure that they're paying their fair share. What I resent is the selective past performance where certain nonprofits were allowed certain payment in lieu of taxes and others weren't and I feel that the previous administrations had no authority of the law to take away was is the power of Council to decide.

The Chair:

What I was getting to though is when there is an agreement I feel very strongly that any agreement should be approved by Council.

Ms. Morrow:

I agree.

The Chair:

Maybe what I would ask outside of this discussion too is that we approve even if it's after the fact the agreements that are in place. They should come to the table just so we do it legally because there might be future ones.

On this particular piece of legislation the issue I'd like to see is a list of the nonprofits, the big nonprofits and which ones we challenge and which ones we didn't and why on both issues. Why we challenge one and why we didn't the other and the answer might be that "X" nonprofit runs a food service and "B" nonprofit doesn't. I'm sure there's a reason why pick certain ones to go after and not others and that's where we're in the dark.

Mr. Cohen:

That's why I support this legislation because I think this Council has been in the dark, not necessarily with this

administration but certainly we were with the past administration and it seemed that there was a very haphazard policy toward deciding what institutions, which hospitals to appeal to try and get payment in lieu of taxes. I don't have a problem with this bill because City Council should have oversight powers over revenue that goes out of the city or revenue that comes into the city.

Ms. Morrow:

It's an executive branch function to implement the law and to apply it.

Mr. Cohen:

I understand that but a decision on whether or not to challenge a tax exempt status of an institution is one that is a financial decision.

Ms. Morrow:

And a legal decision.

Mr. Cohen:

This Council does have power over every expense and over revenue that comes into the city. I think we have a right to know what the policy of this administration is with respect to nonprofit institutions. I don't know what that policy is and I think having the Administration come to Council before they actually challenge an institution's tax exempt status is very reasonable. We have been here today for the last four and one-half hours on issues that relate to the finances of the city whether or not to approve certain expenses and certain revenues and we even we set the taxes for next year here today. This seems to be minor compared to that.

Ms. Morrow:

Do you want to have a public discussion about whether to challenge Eye and Ear Hospital and a legal basis for our legal claim that may end up in court?

Mr. Cohen:

We have public discussions over whether or not to give money to individuals who have sued the City. What could be more sensitive than that? Hopefully the electorate elected us because they think that we can stand above special interests and decide on the best interests of the City as a whole.

Ms. Morrow:

It's a question of playing your hand publicly in what is a legal challenge. That is dangerous territory. The reporting I don't have any problem with that but making it a condition and having a discussion at this table about what our legal strategy is I think that is dangerous territory.

Mr. Cohen:

I'm hearing what you're saying. In the past when there have been sensitive lawsuits and I think that's maybe the best analogy but lawsuits that we have to vote on, if there are sensitive ones then you ask us meet in executive session which we're allowed to under the Sunshine Act, I would think we can do the same with this as well.

Ms. Morrow:

For settlement or for the decision of whether we should challenge it?

Mr. Cohen:

The decision on whether we should challenge it. Why don't you let us know whether that is something that we could meet in executive session.

Ms. Morrow:

I think that you should leave the discretion of who to choose and how we choose them. We can make reports to you about how we do that and we can come do you with settlement proposals but to come to Council for each exemption is administratively burdensome and hurts our position in negotiating.

Mr. Cohen:

Are you saying this bill is illegal or bad policy?

Ms. Morrow:

Both. It usurps the executive branch and I also think that it's administratively burdensome.

Mr. Cohen:

Thank you.

Mr. O'Connor:

Are we talking about a couple issues here. One I know I was on the board of a hospital before I was elected, they were the first hospital to be approached and the first one to give a share of money. By the time the Administration went around to nine hospitals, in fact, the hospital I'm talking about happen to be the biggest charitable 23 percent of its income is for charity and the last hospital that it got to was only three and the richest. So I think in fairness and I don't know what is next, there should be a plan and maybe we should be reviewing what another hospital may -- out of the out of the charity of their hearts say I would like to donate an ambulance to the City of Pittsburgh and we're talking about two different things. We have to approve that but I think we are asking is there a fine line? If I made a recommendation two years ago, they should be looking at the amount of beds and each one be given a certain amount of dollars per bed. Whether it be in lieu of taxes that we're talking about, whether it be cash, whether it be an ambulance or whatever deal is made out but there should be some fairness. Now if you are talking about a tax exempt like the Chancellor of Pitt's home was not paying taxes on which it should be and I think they are paying, are we going after the Duquesne University or whatever other university? Am I reading this -- are we looking at a tax exempt before it changes, losses his or her exemption? If you are going to go after a whether it's Little Sisters of the Poor or big hospitals to change their tax status?

Mr. Hertzberg:

That's the stage that we would be given the opportunity to approve it.

Mr. O'Connor:

That I think we should be involved with. But there's a fine line of how we get involved with every little side deal that was made and I agree there should be some continuity with that. What's happened in the past may not be fair to the hospitals that are giving out of the goodness of their hearts.

Ms. Morrow:

I think was hard to be consistent with all of the hospitals. I think that from what I understand we made the best deals we could make in each situation and when you look at it, it may look like you're comparing apples and apples but you aren't necessarily. It is a fairly complicated analysis for which we have someone on staff and that's what his job is to make those analysis.

Mr. O'Connor:

Could we have a breakdown of that? I'd like to see that.

Ms. Morrow:

Those agreements are already in place.

Mr. O'Connor:

Some of them are five years or ten years and I'd like to see the fairness of how it was done in the past. Not that we can change it but I think we ought to be prepared for the future.

The Chair:

We can meet in executive session because it's not requiring a vote, we want to review documents.

Mr. O'Connor:

Mr. Hertzberg, are you saying that before the Administration would decide that the Little Sisters of the Poor are not tax exempt or whatever, you're saying it has to come to us first.

Mr. Hertzberg:

It has to come to us and we have to approve it.

Ms. Morrow:

So if I gave you a legal analysis that the sympathetic group was clearly taxable you could say "don't do it" but the next group is less sympathetic and clearly taxable and you can say to go after them.

Mr. O'Connor:

Are we talking about hospitals?

Ms. Morrow:

Which is why I suggest that we give you all the information you like and I would report on what we're doing so that you're not in the dark but I don't think that you need to make the next step to pass an ordinance to require that you review every tax exemption challenge.

Mr. O'Connor:

How often does that happen to you?

Ms. Morrow:

I don't know the answer.

Mr. Fees:

None that we initiated but we did participate in other actions that were taken by other government bodies like the County and the School Board. We can become party to those.

Ms. Morrow:

That is the other thing. The County can -- there are three potential parties that have to approve these so it is not just a city decision.

Mr. O'Connor:

Mr. Hertzberg is saying is if the County and the school agree that this is group should not be tax exempt, then you look at it and say yes or no and if you do say no what happens?

Mr. Hennigan:

There are the parties then that go before the Board of Property Assessment and review it but we are not a party to that.

Mr. O'Connor:

What Councilman Hertzberg is saying is let's get back to the politics of it. If the Mayor's staff disagrees with the School Board and the County for whatever reason it could be politically why not have nine Members of Council make the decision with him?

The Chair:

The Mayor and the Council is considered one.

Ms. Morrow:

Right now it's not political. We try to do it objectively.

Mr. O'Connor:

Everything is political, I am not picking on you. The Mayor is political too, we all are; life is political.

Mr. Ferlo:

However well-intentioned this bill is I believe and it's not usually my style to agree with the Administration. This bill is bad policy and I totally question it legally in terms of separation of powers and more importantly if I were an individual taxpayer I would resent it and I want to be able to explain why. As a legislative body we should remain legislative and we decide various tax rates, period, or other bodies be it state or County decide tax rates and we have to live with that. As a taxpayer I would expect that the executive branch, whether it be the Finance Department or the Law Department is uniformly collecting and being responsible for administering that tax or the collection of that tax, period. This bill in effect will politicize that process which I resent. If the University of Pittsburgh "XYZ" component food court owes taxes, the Administration and the executive branch of the Law Department should be out there challenging their tax exempt status and going about the business of collecting it. I respect the fact why the bill was intended but I believe in my heart it's misguided, I question it legally in terms of separation of powers and I would not want to hamstring the Solicitor or the Mayor or the Finance Department and if I were a taxpayer and I am a taxpayer I want everybody paying their taxes and if there's reason to believe that somebody is not paying taxes under the guise of some nonprofit status and there is some prima facie evidence to suggest that they are then I expect that the Law Department is going to do what is in their mandate to do and go after and make them pay their fair share and not have to rely on on some political legislative process through a Council as to whether or not we think maybe they are nonprofit. These are objective things that should be quantified and the Law Department should have the ability and the power to sue and represent the municipalities's interest. What I resent is the reverse side that somehow a political mayor in the past or a political finance director in the past met behind closed doors and agreed to some lucrative payment in lieu of tax that this legislative body did not officially sanction because we're the ones agreeing to forego revenue and some of the deals that were made I don't with personally including Allegheny General Hospital because some of the for profit activities going on at Presby, the University Health Center, Allegheny General, they are getting off scott free, including the University of Pittsburgh's Food Court and a lot of other examples. I respect Councilman Hertzberg and I respect the impetus for the bill but I want to explain why I'm very much opposed to it.

Ms. McDonald:

Let me provide some clarity. I believe under the state Sunshine Law that legal matters such as challenging a tax exempt status is not privy to having mandated to be discussed in

public. That legal matters such as this can be discussed in executive session. When I was on the School Board and I was involved in the tax exempt status and the appeals for certain hospitals, we never discussed it publicly because it was not under the state Sunshine Law. This was a legal matter and all legal matters such as settlements, lawsuits and what have you can be discussed in executive session; they do not have to be discussed publicly. Therefore I would would say that in the spirit of Councilman Hertzberg's concern I agree that this legislative body needs to be a part of any and all tax appeals status of any group but it doesn't have to take away from the politicizing at the table, it doesn't have to be that way because it can be discussed in executive session and I do believe under the state Sunshine Law we can collaborate with the Mayor's Office and discuss appeals or whatever; it doesn't have to be at table. When I was on the School Board we would discuss but the only thing that became public is basically the final decision but not to deliberate.

Ms. Morrow:

That is true and I'm happy to come to you with settlements the same way we come with lawsuits and if it needs to be discussed in private then I'd ask you to go into executive session but the other point is that I think it should be settlements, proposed settlements that I come to you with and not a decision about whether to challenge someone or not to get your pre-approval.

Mr. O'Connor:

Maybe I am trying to think like you usually do and here's the problem. Presuming we are not talking about the three people in front of us or this mayor across the hall which we trust. What happens if a mayor or an administration has a bone to pick whatever group, charitable group, whether how good or -- he can put his power to remove their tax exempt without anybody on this side of the hall questioning it.

Mr. Ferlo:

What is the difference between that and the Finance Department being responsible to go after and make sure everybody is paying their taxes? I don't understand that.

Mr. O'Connor:

They are due the tax. We're saying we're taking away a tax exempt from someone without any scrutiny.

Ms. Morrow:

Because presumably they owe a tax and they should not get the benefit of the tax exemption.

Mr. O'Connor:

If they have been tax exempt before --

Mr. Ferlo:

-- if we take the time to review the process by which the court reviews the issue of tax exempt, it is so objective a process and the burden of proof is so much on the Administration to have to prove the profit nature of these institutions, that maybe the Solicitor wants to address the issue.

I guess what I am saying is it is not some whimsical thing where it's an easy thing to challenge; it is very difficult.

Ms. Morrow:

Legal minds can disagree about what the theory is but Ron Pferdehirt is here and this is Ron's job, that's what he does. If you have questions about who we pick and what the criteria are, to answer your question under any administration you have the right to call the Solicitor and find out what goes on. That is a lot different than us coming before you before we make a legal analysis to make an appeal than to have a legislative review of that as opposed to what we hope is an objective legal decision. Even if it's a political motive it still has to meet a legal test.

Mr. Pferdehirt:

There are certain legal criteria that there's constitutional statutory and case law criteria in regard to burden of proof and regarding to what applicant for exemption has to prove in order to qualify for exemption. Certainly we can't arbitrarily pick out someone to challenge without some basis for it.

Mr. Hertzberg:

That burden is on the person that wants to be tax exempt; it is not on the City. Once we file an application the tax exempt has to come forward with the proof that they should remain tax exempt.

Ms. McDonald:

The point that I would like to make again is that I am not taking away from any colleagues concerned that we need to know

who is going after whom; that's okay. I would like to know who is going after who myself but instead what I am trying to indicate is some type of reasonable compromise so that we do get the information but it is not politicized in an open forum such as this. I don't know how this would be done since I'm still rather new at this as far as a mandate, a resolution, to say to the Mayor's Office, to the Department of Finance and the Law Department, "Look we want some type of briefing." It doesn't have to be verbal, it could be in writing. Who are you going after? Who is being challenged? Who is being appealed? And after we review that at least we have that information. We have every bit of information and basically it's a right to know what is going on. That's what I would like to have in the spirit of this bill. What I don't like is having to discuss everything here at the table. I agree that it would be burdensome, I've been through it and I'm not going to go through with it.

Ms. Morrow:

I think you have that ability now.

The Chair:

Let's wrap up discussion.

Mr. O'Connor:

I would like to mention what I did before. I would like a list of our agreements with the nine major hospitals. I was on the board at St. Francis Hospital and we were the first ones approached and we gave a nice amount of money and we happened to give the most charitable services to the community in the whole city and again it wasn't you, it was done three or four years ago way before I sat here.

Ms. McDonald:

I think the right to know comes before an executive order is issued or any kind of executive action is done and not after the fact. I think that's a point to remember when we do get information.

Ms. Morrow:

What we can do for you is give you on one page what our procedure is, how these issues arise, what the timing is and then we can give you more detailed reporting of what's in the hopper now and I'm happy to do that.

The Chair:

Roll Call on the bill.

ROLL CALL

AYES	NOES	ABSTAIN
Mr. Cohen	Mr. Cusick	
Mr. Hertzberg	Mr. Ferlo	
Mr. O'Connor	Ms. McDonald	
Mr. Ricciardi	Mr. Onorato	

AYES 4 NOES 4

(NEGATIVE RECOMMENDATION)

The Chair:

That bill will be up for final vote on Friday so we can discuss it before Friday too if there's any issues.

Mr. Ferlo:

Could we ask for a formal legal opinion on this bill? I think the bill is illegal.

The Chair:

The Clerk just informed me that Friday is only for the budget and this will be up on Tuesday for a final vote, so there's actually more time to review some of the questions that they came up with.

(END OF COMMENTS)
PREPARED BY: MARY ANNE HRUSKA
STENOTYPE REPORTER

MUNICIPAL RECORD

Proceedings of the Council of the City of Pittsburgh

VOL. CXXVIII *December 27, 1994* *No. 50*

Municipal Record

ONE-HUNDRED TWENTY-EIGHTH COUNCIL

JIM FERLO.....President
LINDA M. JOHNSON-WASLER.....City Clerk
KURT J. SALAC.....Asst. City Clerk

Pittsburgh, PA
Tuesday, December 27, 1994

PRESENT:

Mr. Cohen	**Mr. O'Connor**
Mr. Cusick	**Mr. Ricciardi**
Mr. Hertzberg	**Mr. Ferlo**
Ms. McDonald	**(Pres't)**

ABSENT:

Mr. Onorato

The Chair:

Would you all please rise for the Pledge of Allegiance and would you please remain standing for a moment of silent prayer so that we may have peace throughout the world.

We are very honored and pleased to have a young man here today, he is a 5th Grader. His name is Benjamin Klein. He goes to Liberty School. He is obviously from Councilman Cohen's district because he just got his picture taken and he is very pleased. He is also in the Spanish Magnet Program. His little brother, who is a 3rd Grader, is here, Jonathan Klein. And, we are very pleased and proud to see his parents. And, I see his grandparents here, Bernie and Dorothy Klein. Good afternoon and thanks for coming down.

Benjamin, you can lead us in the Pledge of Allegiance.

Benjamin Klein:

I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with Liberty and Justice for all.

The Chair:

Thank you. Benjamin, our City Clerk would like to give you the flag of our Country and the flag of our great City. We want to thank you for coming down during this holiday season. I see your proud mom there. If you want to take his picture, you are welcome to do whatever you like over here. It's your day.

Thank you all. I hope everybody had a happy holiday and it is not over with yet. This is going to be a short meeting, hopefully, and we won't meet again until next year.

There are no Read and Adopted proclamations today.

PRESENTATIONS

The Chair:

On the submission and Presentation of Papers.

MR. RICCIARDI FOR MR. ONORATO PRESENTED

No. 1446 Resolution providing for the issuance of a warrant in the sum of $30,000.00 to Stephen Joel Feldman and Ursula Feldman, c/o

MICHAEL LOUIK BERGER KAPETAN MEYERS ROSEN LOUIK & RAIZMAN, Suite 200, The Frick Building, Pittsburgh, Pennsylvania, 15219, in full and final settlement of alleged personal injuries regarding an automobile accident on Beechwood Boulevard on or about December 15, 1990.

Also,

No. 1447 Resolution providing for an agreement with Law Offices (as yet un-identified) for legal representation as the Solicitor of the Pittsburgh Commission on Human Relations in 1995, at a cost not to exceed Twenty Thousand Dollars ($20,000.00), payable from Code Account 1035, Miscellaneous Services, Commission on Human Relations.

Which were read and referred to the Committee on Finance and Budget.

The Chair:

At this time we will move to Special Committee Reports, or any Unfinished Business. Is there any matter to be brought before the body, at this late hour and this late date of the year?

Hearing none, we will move to the Reports of Committees.

REPORTS OF COMMITTEES

The Chair:

Finance and Budget. Mr. Ricciardi for Mr. Onorato.

Mr. Ricciardi:

Thank you, Mr. President.

The Chair:

Thank you, Mr. Ricciardi.

MR. RICCIARDI FOR MR. ONORATO PRESENTED

Bill No. 1448

Report of the Committee on Finance and Budget for December 27, 1994, transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 1401

A Resolution entitled, "Resolution authorizing the issuance of a warrant in favor of the Giant Eagle, Inc., in the amount of Two Thousand Seven Hundred Fifty-Seven Dollars and Thirty Seven Cents ($2,757.37), in connection with the Community Recreation Program, without previous authority of law."

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. O'Connor
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Ferlo
Ms. McDonald	(Pres't)

AYES 7 NOES none

And there being two-thirds of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 1401

A Resolution entitled, "Resolution transferring the amount of $425,000.00 to Code Account 45, (004507), Health Insurance, Municipal Employees,

from Code Account SSFSP, (270256), Special Summer Food Service Program Trust Fund, in the amount of $300,000.00 and from Code Account SPP (254359), Special Parks Programs, in the amount of $125,000.00, in the Department of Parks and Recreation."

Which was read.

Also,

Bill No. 1402

A Resolution entitled, "Resolution transferring the amount of $100,698.19, to Code Account SPP, Special Parks Programs, from Code Account SSFSP, Special Summer Food Service Program Trust, in the Department of Parks and Recreation."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. O'Connor
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Ferlo
Ms. McDonald	(Pres't)

AYES 7 NOES none

The bills having received the legally required number of votes are passed finally.

Also,

Bill No. 1411

A Resolution entitled, "Resolution providing for the issuance of a warrant in the sum of $6,250.00 to Regina and William Lewis, c/o Sandra Kitman, Esquire, Schiffman, Parise & Wojdowski, 1300 Fifth Avenue, Pittsburgh, PA 15219, in full and final settlement of an accident which occurred at the intersection of North Avenue and Federal Street on or about December 6, 1990."

Which was read.

Also,

Bill No. 1412

A Resolution entitled, "Resolution providing for the issuance of a $1,100.00 warrant in favor of Daniel K. Resnick in settlement of claim for property damage."

Which was read.

Also,

Bill No. 1413

A Resolution entitled, "Resolution providing for the issuance of a $3,348.00 warrant in favor of Bernie C. Klaja in settlement of claim for property damage."

Which was read.

Also,

Bill No. 1414

A Resolution entitled, "Resolution providing for the issuance of a warrant in the sum of $5,000.00 to Samuel J. Cordes, Esquire, OGG, JONES, DeSIMONE & IGNELZI, 245 Fort Pitt Boulevard, Fourth Floor, Pittsburgh, PA 15222, in payment of attorney's fees in connection with the claim of Valenta v. The City of Pittsburgh."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. O'Connor
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Ferlo
Ms. McDonald	(Pres't)

AYES 7 NOES none

And there being two-thirds of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 1415

A Resolution entitled, "Resolution authorizing and directing the Mayor to enter into a Cooperation and Support Agreement with the Allegheny Regional Asset District and the Stadium Authority of the City of Pittsburgh, whereby the District shall provide a minimum of $10,000,000 annually for Ten Years for the support of the Three Rivers Stadium."

Which was read.

Also,

Bill No. 1416

A Resolution entitled, "Resolution authorizing and directing the City Controller to create a special trust fund, to be designated as the Workers' Compensation Commutation Trust Fund (WCCTF), Index Code 254938, for the deposit of monies received from the State of Pennsylvania for favorable decisions received in litigation (Supersedes) and monies received when the City is successful in a lawsuit against a negligent third-party (Subrogation). Expenditures from this trust will consist of payments to individuals for settlement of their Workers' Compensation claim, surveillance, vocational rehabilitation, out-placement and other miscellaneous services related to Workers' Compensation management as approved by the Director of Finance."

Which was read.

Also,

Bill No. 1417

A Resolution entitled, "Resolution designating Banks and Lending Institutions to act as Depositories for the year 1995 in accordance with the Pittsburgh Code, Title Two, Fiscal, Article III, Depositories."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. O'Connor
Mr. Cusick	Mr. Ricciardi
Ms. McDonald	Mr. Ferlo
	(Pres't)

AYES 6 NOES none

(MR. HERTZBERG ABSTAINING)

The bills having received the legally required number of votes are passed finally.

Also,

Bill No. 1418

A Resolution entitled, "Resolution providing for the conveyance by the City of Pittsburgh of certain property, under Act No. 171 of 1984, entitled, 'Second Class City Treasurer Sale and Collection Act,' effective December 11, 1984."

Which was read.

Also,

Bill No. 1432

A Resolution entitled, "Resolution authorizing the transfer of Seventeen Thousand Dollars ($17,000.00) from Code Account 1832, Index Code 183202, Department of Parks & Recreation, Wages - Temporary Employees, to Code Account 1461-2, Index Code 146126, Bureau of Fire In-grade Pay."

Which was read.

Also,

Bill No. 1433

A Resolution entitled, "Resolution repealing in part Resolution Number 206 of 1993 which authorized the filing of a petition for the sale of property located at 2505 Perrysville Avenue in the 26th Ward, by authorizing and directing the Director, Department of Finance to return certain hand monies collected pursuant thereto."— **(SPONSORED BY MR. ONORATO)**

Which was read.

Also,

Bill No. 1434

A Resolution entitled, "Resolution providing for an Agreement or Agreements with a qualified third party administrator for the administration of the City of Pittsburgh's liabilities under the Pennsylvania Unemployment Compensation Law for a period of three years."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills?

Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. O'Connor
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Ferlo
Ms. McDonald	(Pres't)

AYES 7 NOES none

The bills having received the legally required number of votes are passed finally.

The Chair:

And, by the way, I forgot to introduce Beverly and Bruce Klein, who are the parents of Benjamin. And, we want to welcome the grandparents and the parents.

Move to Mr. Ricciardi, Chairman of Committee on Public Works, Water and Environmental Services.

Mr. Ricciardi:

Mr. President.

The Chair:

Thank you, Mr. Ricciardi.

MR. RICCIARDI PRESENTED

Bill No. 1449

Report of the Committee on Public Works, Water and Environmental Services for December 21, 1994, transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 1436

A Resolution entitled, "Resolution vacating a portion of Napton Way between Brunot Avenue and Eboda Way in the 20th Ward, 2nd Council District of the City of Pittsburgh."

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill?

Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. O'Connor
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Ferlo
Ms. McDonald	(Pres't)

AYES 7 NOES none

The bill having received the legally required number of votes passed finally.

MR. HERTZBERG PRESENTED

Bill No. 1450

Report of the Committee on Parks, Recreation & Youth Policy for December 21, 1994, transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 1403

A Resolution entitled, "Resolution authorizing and directing the Mayor and the Director of Parks and Recreation to enter into a Cooperation and Support Agreement with the Allegheny Regional Asset District, whereby the City shall receive a minimum of $3,500,000 annually for ten years for the support of the Regional Park System of the City Parks."

Which was read.

Also,

Bill No. 1404

A Resolution entitled, "Resolution authorizing and directing the Mayor and the Director of Parks and Recreation to enter into a Cooperation and Support Agreement with the Allegheny Regional Asset District and the National Aviary, Inc., whereby the District shall provide a minimum of $807.000 annually for ten years for the National Aviary in Pittsburgh."

Which was read.

Also,

Bill No. 1405

A Resolution entitled, "Resolution authorizing and directing the Mayor and the Director of Parks and Recreation to enter into a Cooperation and Support Agreement with the Allegheny Regional Asset District and the Zoological Society of Pittsburgh, whereby the District shall provide a minimum of $3,500,000 annually for ten years for the Pittsburgh Zoo."

Which was read.

Also,

Bill No. 1406

A Resolution entitled, "Resolution authorizing and directing the Mayor and the Director of Parks and Recreation to enter into a Cooperation and Support Agreement with the Allegheny Regional Asset District and Phipps Conservatory, Inc., whereby the District shall provide a minimum of $1,835,000 annually for ten years for the support of the Phipps Conservatory."

Which was read.

Also,

Bill No. 1407

A Resolution entitled, "Resolution authorizing and directing the Mayor to enter into a Cooperation and Support Agreement with the Allegheny Regional Asset District, Allegheny County and the Carnegie Institute, Inc., whereby the District shall provide a minimum of $1,886,000 annually for ten years for the support of the Carnegie Institute."

Which was read.

Also,

Bill No. 1408

A Resolution entitled, "Resolution authorizing and directing the Mayor to enter into a Cooperation and Support Agreement with the Allegheny Regional Asset District, Allegheny County and Carnegie Library of Pittsburgh, whereby the District shall provide a minimum of $11,882,000 annually for ten years for the support of Carnegie Library."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills? Councilman Cohen.

Mr. Cohen:

Mr. President, I would like my comments brought forward on all of those bills, please.

(REMARKS -- SEE ADDENDUM)

The Chair:

I would like my comments brought forward also on 1408.

(REMARKS -- SEE ADDENDUM)

The Chair:

Councilman O'Connor.

Mr. O'Connor:

Comments brought forward.

(REMARKS -- SEE ADDENDUM)

The Chair:

Any other comments? Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. O'Connor
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Ferlo
Ms. McDonald	(Pres't)

AYES 7 NOES none

The bills having received the legally required number of votes are passed finally.

MR. COHEN PRESENTED

Bill No. 1451

Report of the Committee on Public Safety Services for December 21, 1994, transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 1396

A Resolution entitled, "Resolution amending Resolution No. 911, effective September 11, 1992, entitled, 'Resolution authorizing and directing the Mayor to enter into an Agreement or Agreements for drug treatment services in connection with the City's Operation Weed and Seed Program, in a total amount not to exceed $143,000'."

Which was read.

The Chair:

You have heard the reading and title of the bill, is there any discussion on the bill? Councilman Ricciardi.

Mr. Ricciardi:

I would just like to thank David Farley for his memorandum I had an opportunity to read a few minutes ago, that this will be limited to City of Pittsburgh residents in terms of services offered.

The Chair:

Any other comments? Hearing none, the bill is now ready for final action. All in favor of the passage of the bill will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. O'Connor
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Ferlo
Ms. McDonald	(Pres't)

AYES 7 NOES none

The bill having received the legally required number of votes passed finally.

MR. CUSICK PRESENTED

Bill No. 1452

Report of the Committee on Engineering and Construction for December 21, 1994, transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 1397

A Resolution entitled, "Resolution repealing Resolution No. 888, effective November 19, 1987, entitled, 'Authorizing an Agreement or Agreements with the Public Parking Authority of Pittsburgh to reimburse the Public Parking Authority of Pittsburgh to reimburse the Public Parking Authority of Pittsburgh for street work done in conjunction with the Renovation of Mellon Square.' Whereas, the Public Parking Authority of Pittsburgh is undertaking a project for the renovation of Mellon Square; and whereas, the City desires, in conjunction with this project, to include ancillary street work, such as street lighting, traffic signals, signal conduit and related items."

Which was read.

Also,

Bill No. 1398

A Resolution entitled, "Resolution providing for a Cooperation Agreement with Allegheny County to set forth certain terms and conditions governing the respective uses of the area under the Sixth Street Bridge and the Clemente Park River Safety Center."

Which was read.

Also,

Bill No. 1399

A Resolution entitled, "Resolution providing for a License Agreement or Agreements with Duquesne Light Company in connection with the electric service for the Municipal Courts Facility located at 660 First Avenue in the First Ward of the City of Pittsburgh."

Which was read.

The Chair:

You have heard the reading and titles of the bills, is there any discussion on the bills? Councilman Cusick.

Mr. Cusick:

Yes, I would like to make a motion to amend Bill 1398 by changing the wording from "and the Clemente Park River Safety Center," to "and access through the Clemente Park to said area by Allegheny County."

The Chair:

There is a motion on the floor, you have the amendment in writing on the desk before you. Is there a second?

MR. RICCIARDI seconded the motion.

The Chair:

Any other discussion? All in favor of the amendment?

WHICH MOTION PREVAILED.

The Chair:

The amendment carries.

The bill as amended, and all other bills, is there any other discussion? Hearing none, the bills are now ready for final action. All in favor of the passage of the bills will vote "aye" when their names are called; all opposed will vote "no". The Clerk will call the roll.

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. O'Connor
Mr. Cusick	Mr. Ricciardi
Mr. Hertzberg	Mr. Ferlo
Ms. McDonald	(Pres't)

AYES 7 NOES none

The bills having received the legally required number of votes are passed finally.

The Chair:

That concludes our Reports of Committees.

MOTIONS AND RESOLUTIONS

The Chair:

Are there any matters to be brought under Motions and Resolutions? Councilman Cohen.

Mr. Cohen:

Thank you very much, Mr. President. Mr. President, I received a number of calls, and I suspect that my colleagues have also, regarding the shift hours of Community Oriented Police Officers. My understanding is that as of January the 2nd all Community Oriented Police Officers, or COP Officers, will be on a 3:00 p.m. to 11:00 p.m. shift. This shift may be good for many neighborhoods, but my understanding was that each neighborhood would decide, in the interest of public safety, what their COP Officer's shift hours should be.

In particular, COP Officers that cover primarily neighborhood business districts, it might be best to have a 12:00 to 8:00 o'clock shift, rather than a 3:00 to 11:00 o'clock shift, since that covers more store hours than the shift that they are going on to.

One example is, the Bloomfield COP Officer, who is doing an excellent job, much of his time is spent walking Liberty Avenue. A 3:00 to 11:00 shift would take him away from many of the store hours. The same is true, for example, of the Walnut Street shift in my district. I think that the hours should be determined based on public safety and not based on ease of administration.

So, what I would like to ask and make a motion to do is to send a letter to Chief Buford and Lieutenant Kelly, who is the Head of the Community Oriented Police Program, to ask them exactly what the policy is regarding shift hours for COP Officers and when it is going to go into effect and why.

The Chair:

Thank you. There's a motion, has it been seconded?

MR. RICCIARDI seconded the motion.

Mr. Cusick:

Discussion.

The Chair:

Mr. Cusick. Discussion, Mr. Cusick.

Mr. Cusick:

Just if you could add to that, if at all they have plans to allow us to get together with some of our community groups to find out whether or not if that is even one of the ideas they have in changing the hours. If we get together with -- whether or not they be our business associations or our Community Councils in the area, find out what time they would like to see.

The Chair:

Other discussion?

Let me just add to this point on Bloomfield. Unfortunately, this is an example where it is systemic of the COP operation, and the problem partly is that the Administration and the Police Bureau, in particular, is not communicating to Councilmembers. Now, this is a prime example, Bloomfield. I am working with residents in the Lower Bloomfield who were insisting that the COP Officer work later in the evening. I believe Mr. Cohen has been working with some of the merchants who had viewed that the beat officer, or the COP Officer, was their person who would meet and walk the beat early in the day. In the past, most of us could be relying on the zones to supply a patrol officer who would work the business corridors independent of the COP Officer, and that the COP should be more of a collaborative effort with the total community, where he and she are most needed at critical times during the most critical hours.

So, if I could just add a little addendum to your letter to get a clarification because the COP Officer should not replace or displace the traditional officer that is from the zone who is detailed to some of the business corridors; that officer should still be detailed independent of the COP Officer being designated. So, if you could please add that so -- maybe we would just want to do a post agenda that gets this clarified.

Councilman Cohen.

Mr. Cohen:

That is why we first have to know exactly what the policy is. I am not saying -- Bloomfield, as an example -- and we both represent Bloomfield. I am not saying that beat officers' hours should be changed, that it shouldn't be late at night, that may well be the right thing to do. What we do not have in place is a process, a process for determining what those hours should be, and that is the problem right now.

So, what I would like to do is, let's hear from the Administration as to what their policy is and set a process in motion because I agree that City Council is not in the loop, they should be in the loop, as should be the residential and business leaders of each neighborhood, so they can decide what is best for their neighborhood. It should be a case by case basis.

But, my understanding is that as of January 2nd every COP Officer is moving to a 3:00 to 11:00 shift.

The Chair:

Thank you. We will communicate that. All in favor of this communication?

WHICH MOTION PREVAILED.

The Chair:

The motion carries. We will work with the City Clerk in helping to draft the communication.

Are there any other points or matters to be brought up before the body? Hearing none, we wish everybody a healthy and safe and happy New Year. And, I would entertain a motion to approve the Minutes.

MR. COHEN moved to approve the Minutes of Tuesday, December 20, 1994.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

The Chair:

At this time I will entertain a motion to adjourn formally, and we will meet again on Wednesday, January 4, 1995 at 2:00 p.m. here in Council Chambers.

Mr. Hertzberg:

So moved.

MS. McDONALD seconded the motion.

And on the motion of **MR. HERTZBERG**

Council adjourned.

BEGINNING - MESSRS. COHEN, FERLO AND O'CONNOR'S COMMENTS ON BILLS NO. 1403 TO 1408, WEDNESDAY, DECEMBER 21, 1994)

Mr. Hertzberg:

As I understand it, these cooperation agreements are mandated by the state law which enacted the regional assets district so there really isn't much discretion or reviewing that we can do or any changes.

Ms. Wymar:

That's correct.

Mr. Hertzberg:

The other thing I'd point out is Mr. Onorato, you and I and now I believe Ms. McDonald are on the board with The Carnegie and I think everyone on Council has received quite a bit of correspondence about our funding of The Carnegie and here we have the regional assets district providing $11,882,000 so it is not as if they are not being funded and we also provided another $200,000.00 of capital funding in there but I have received a number of written requests for a hearing on the topic and I think there's a misperception out there that we are not funding The Carnegie at all and that is not the case.

The Chair:

I agree and on that point I received the same calls and letters. I sent out a response letter and if they still want to have a hearing that's fine but I think the misperception is out there and I'm calling on The Carnegie Library officials to put out the right information.

The $11.8 million is replacing the County and the City funding for prior years and I understand the County may be putting in over $2 million out of their operating budget because they have a surplus and for them to imply that this body isn't putting anything in or this Administration isn't putting anything in is just ludicrous. The whole idea of the Regional Assets District was to provide a source of funding that would at least grow or have the potential to grow. This is the City's funding right here. This is one-half of our funding, we're part of the RAD and as you mentioned there's $200,000.00 in capital dollars that was put in by this body and $40,000.00 pursuant to a 100-year old agreement out of the operating budget so in essence Carnegie Library received more in 1995 than they did in 1994. So this perception that their funding is cut is wrong. They are ahead of the game. They are up probably up almost $3 million from prior years' funding.

Mr. O'Connor:

While you're on it, does anyone know the figure? We are giving them $12 million -- how does that compare --

The Chair:

-- this figure right here the 11.8 is the combination of the County and the City.

Mr. O'Connor:

How does that compare with the City and County last year?

Mr. Leger:

It's $400,000.00 more than the combined contribution last year.

Mr. O'Connor:

My point is they are getting $400,000.00 more this way.

Mr. Leger:

Right, plus the $200,000.00 you're giving them out of the capital budget and $40,000.00 out of our operating budget.

Mr. O'Connor:

So you're roughly looking at over a five percent increase.

The Chair:

The other thing that doesn't appear here is at the Library meetings where Councilman Hertzberg was, Mr. Lucchino made the point that the County's budget is also adding an additional $2.5 million out of their operating, so that's on top of this plus the $200,000.00 that we put in the capital plus the $40,000.00 in our operating. That is all on top of this.

Mr. O'Connor:

We are all be lobbied is they're 15 percent better off than they were last year.

Mr. Ferlo:

They are over $2 million to the good on this new system because of Allegheny County kicking in above and beyond the RAD money.

Mr. O'Connor:

I think the fact they are almost 20 percent better.

The Chair:

Almost $3 million above it.

Mr. O'Connor:

I see in these agreements this is for ten years.

Ms. Wymar:

Yes, that's correct.

Mr. O'Connor:

What happens as the RAD grows? Sales grow, the economy grows. Does this number go up, does it stay?

Ms. Wymar:

This agreement provides for a minimum level of funding. It's mandated under the statute that they provide a minimum level of funding so each asset for ten years is guaranteed that minimum. That does not preclude as the revenues increase additional revenues going to the assets.

Mr. O'Connor:

Is there a formula though so as the revenues increase, say the revenue is doubled, does this double or do more people just jump in?

Mr. Pollock:

The answer to that is once they get past the statutory amount, it's discretionary upon the board. As they have more revenues, any organization can apply for more funding but that becomes more discretionary on the part of the board as to how distribute funds over and above the statutory amount.

Mr. O'Connor:

Are we satisfied -- I don't think this Council knows the total financial figures -- that we're being treated fair, these assets are getting their fair share?

Mr. Leger:

Yes. First of all they are all guaranteed in 1992 for their funding so that's the guaranteed amount plus additional allocations that were made out of an approximate pot of $53 million.

Mr. O'Connor:

So they've relieved us of our burden.

Mr. Leger:

The subsidies that we had provide to these institutions under their leases are completely eliminated from the budget.

Mr. O'Connor:

They started collecting this tax July 1st.

Mr. Leger:

That's correct.

Mr. O'Connor:

Are we getting paid?

Mr. Leger:

We're paid a monthly amount this year from that tax which goes into a holding account which cannot be spent until 1996 unless there are certain emergency circumstances, which make it spendable in 1995.

Mr. O'Connor:

Is this money starting -- when you say it's --

Mr. Leger:

-- there's about $3 million already in the city treasury in a holding account which is tax money. It is not regional assets district money. That's money from the tax proceeds. There are two separate pots so that you don't become confused. The Allegheny Regional Assets District gives you a subsidy for your institutions. The State of Pennsylvania pays you money which is the yield due to the city from the one percent sales tax. The money that we presently are approving in the treasury is from the one percent sales tax. It has nothing to do with the RAD

Mr. O'Connor:

We stopped collecting the amusement tax July 1st, right?

Mr. Leger:

No, we stop collecting it in January.

Mr. O'Connor:

So we are getting a financial benefit.

Mr. Leger:

Yes, right.

Mr. O'Connor:

My last question is -- how does this affect -- and I don't want to get off the subject too much -- the Zoo? I know the Zoo and a lot of laborers have come to me and said are they able to come back, has that all been ratified yet or when we vote for this are we voting for the Zoo to take over 100 percent?

Mr. Leger:

This doesn't have anything to do with the Zoo taking over or not taking over directly. This is a separate agreement simply for funding. The personnel matters at the Zoo are still under final negotiation but you can assume that nobody is going to lose their job in this deal either staying at the Zoo or coming back to the City.

Mr. O'Connor:

Now the Aviary -- everything else has been settled except the Zoo so when is that coming before us?

Mr. Leger:

It has come before you when the lease was approved last year. The only thing to be done is for the Administration to resolve the staffing issue.

Mr. O'Connor:

Where is the staffing? As I remember it's probably the old administration that anyone who wanted to leave and come back to the City could.

Mr. Leger:

That was done for Phipps and it will be done again. Offers of employment will be made to those people at the Zoo.

Mr. O'Connor:

The window of opportunity is still open.

Mr. Leger:

That's correct.

Ms. Wymar:

As I understand it there's a framework of an agreement and everyone is optimistic that it will be resolved.

Mr. O'Connor:

I'll make a request. Someone should -- this is a week before Christmas and I'm getting phone calls from people worried about their jobs and I don't think it's fair. Again it's probably a communication problem and I don't know if it's our responsibility but we're the ones making the agreement and getting the calls. Someone in the organization between the Administration and the people running the Zoo and the unions should be up front and have some meetings to clarify the options for the employees. Who should be doing that?

Mr. Leger:

The Law Department should do it through labor relations.

Mr. O'Connor:

I'm sure other Councilmembers may be getting calls too.

Mr. Leger:

There are two labor agreements that are influenced by this, one is between the Zoo and the union that will take over for the employees that are currently there and then of course there's the City's separate union agreement. So that is why it's down to the wire.

Mr. O'Connor:

It's still being worked out.

Mr. Leger:

That's correct.

Mr. O'Connor:

Nothing else, thank you.

Mr. Hertzberg:

Mr. Chairman, I would make a final series of comments on The Carnegie. First, I know they have budgetary problems and their total funding may be great but they also have more expenditures and are having problems with their budget and it's not as if they are trying to be greedy. They have an actual fiscal crisis also but so do we and we're not in a position the County is in. We weren't able to cut our real estate tax because of surpluses and we're just in the opposite situation. I have seen a whole bunch of financial problems here in the city including the situation where our bond rating got washed because of our financial problems and we are not in a situation where we can be coming up with $1 million or $2 million like the County did.

The Chair:

If I could add on the Library only. I'm active on the board throughout the year and I agree with you Mr. Hertzberg, but the one thing that I hope the Friends of the Library realize is that the City's allocation over the years has been stagnant. We have not increased that $5.4 million and that has stayed the same. Now they have an amount that could go up or at least a better chance of going up and I think this year alone the fact that they are starting out ahead of the game it's better or them and for us and that's why the RAD was established. Anything else?

Mr. Cohen:

I agree with both of you on the library issue. They do need help and I think a lot of people still believe that Andrew Carnegie did endow the library and endowed it for the indefinite future; he didn't. He built the facility but with no future endowment so they are in need but I think that we're doing everything we can to meet that need to the tune 20 percent more than last year.

The other thing is the actual number in this bill, the dollar amount in this bill for the library and all of the other items is not set by this Council, I want to make it clear and to get your confirmation on it, it's set by statutory formula, right?

Ms. Wymar:

Yes.

Mr. Cohen:

And the discretionary amount that you were talking about before, that's over and above. Those are the revenues that come in over and above this statutory amount that the RAD Board then decides?

Mr. Pollock:

It could be even to the estimates are below what they were and all of the agreements clearly state that regardless of the revenue each organization, each entity has the right to apply to the RAD Board for revenues over and above what the statutory amount is.

Mr. Cohen:

That's true of the Carnegie Library?

Mr. Pollock:

Every one of them.

Mr. Cohen:

Okay, thank you. Every one of these says that this is annually for ten years and I never asked the question of what happens after ten years. The legislation is only for ten years?

Ms. Wymar:

The legislation does specify that they're guaranteed this annual funding for ten years. I guess it would be up the Board of the RAD to then determine what would happen.

Mr. Cohen:

Does the sales tax -- that doesn't apply for ten years.

Ms. Wymar:

No.

Mr. Cohen:

But the RAD legislation is only for ten years.

Ms. Wymar:

Providing the minimum funding level.

Mr. Cohen:

I wanted to find out what happens at that point because once we put this whole process into place we certainly don't want it all to fall back on the City ten years from now.

Ms. Wymar:

I think it's anticipated that we would be negotiating another agreement following that.

Mr. Cohen:

What happens after ten years?

Mr. Pollock:

There would have to be new agreements entered. The agreements are just called for ten years but the legislation does not say that the statutory amount ends after ten years, it just says it's required for ten years.

Mr. Cohen:

And the intent would be to start negotiating for another agreement.

Ms. Wymar:

Yes.

Mr. Cohen:

Has the revenue that has come in so far met our expectations about what it would be?

Mr. Leger:

I don't have the figures for the December deposits but it was a little bit less than some of the optimistic expectations in the beginning. That's partly because there were very slow collections in July and August and everybody had not changed their cash registers and enforcement by the state was probably a little less since it was a new tax but there is no way to tell what the level of collection would be. It doesn't affect the amounts in the contract. It could affect the actual amount of cash that you get. It's like any revenue -- if it's short you're not going to get it all.

Mr. Cohen:

Okay. I don't know if it's an unfair question or not but maybe I could talk to Faith Gallo about it. The $3.5 million that's going to the regional parks system, first of all that's just for our four regional parks?

Mr. Leger:

That's correct. Schenley, Frick, Riverview and Highland.

Mr. Cohen:

Do you know whether it can be used at our discretion? Can it be used for playground renovations?

Mr. Leger:

We have to file a a ten-year plan for what we intend to do with the grant and we have to file a more specific plan for the coming year so we can incorporate discretionary items into the plan. What you need to remember is that is the floor level of funding simply for operating those parks. There is not a lot of discretion in there. That's just the operational costs of those four parks.

Mr. Cohen:

That has been what our operational cost has been so doesn't leave room for capital improvements.

Mr. Leger:

That was based on our operational costs in 1992 so our costs today could be actually a little bit higher unless we control it.

Mr. Cohen:

So realistically we are not going to be able to reach into this money for capital improvements.

Mr. Leger:

No.

Mr. Cohen:

Thank you very much.

Mr. Ferlo:

First of all you gave us a basic set of principles embodied into each one of these tentative cooperation agreements and most of it was boiler plate. Do you have final agreements that we could review prior to the adoption of this?

Mr. Pollock:

I thought all the agreements were sent over to to Council.

The Chair:

Linda, were the agreements sent over for the Regional Assets District?

Ms. Wasler:

Yes.

Mr. Ferlo:

We'll review them. On the library issue I would ask that the Friends of the Library and others -- I think part of the problem that I have seen and I have been here seven years and I think we have good about our commitment with the limited dollars that we have and everybody wants to support the library system, certainly the neighborhood branch libraries but I think there needs to be a change of philosophy within the institution over there in Oakland and that is the approach to the wealthy in our society and to the philanthropic community and to the corporate community is to support the institute, whether it be the purchase of art pieces or what have you but there is not that same level of commitment or approach to that community to support the library system and that has continually been a problem with those two institutions. In fact, if you look at the museum, I think there's a $70 million fund balance in terms of a reservoir of funds at their disposal basically because they themselves decide as a policy that when they approach wealthy people it's to buy art pieces as opposed to supporting neighborhood library branches so I think they need to go through their own change of philosophy in how they're doing fundraising but the total amounts here are a few million dollars increased than what we have previously gotten under the old system of just relying on the operating budget of the city and the county, so I'm going to respond to all of the letters I have gotten also but I'm a little bit upset that they're distorted in terms of the way they frame the issue.

The Chair:

On that issue. I think what you suggest is starting to take place. In front of this body about a year ago there was an agreement that we approved for the Orphans Court to change the bylaws of the trustee makeup and the library had just gone through an extensive review and selection committee to expand the trusteeship of the library by at least twelve members to address those types of issues, the fundraising and to treat this just like they do at the institute and I think it's a movement in the right direction so what you suggested is happening.

Mr. Ferlo:

Thank you. You have all the agreements that were sent over then including for the national aviary.

Ms. Wasler:

Yes.

Mr. Ferlo:

In this year's operating budget then totally at this point eliminates any of the operating dollars including the final employee dollars for the Zoo.

Mr. Leger:

That's correct.

Mr. Ferlo:

That deal needs to be consummated before the end of the year I presume.

Mr. Leger:

That's right.

Mr. Ferlo:

Is it going to be?

Mr. Leger:

Yes, it is.

Mr. Ferlo:

All right, thank you.

Mr. Ricciardi:

Just a follow-up question to Mr. Ferlo's. I realize the cash subsidies will end and for obvious reasons but how about the in-kind services, they should also end; correct? We perform certain in-kind service to the assets and I would hope they would stop because obviously in-kind services still cost our operating budget. Will they cease?

Mr. Leger:

We have performed certain in-kind services based on the lease and when those are the exhausted that is the end of it.

Mr. Ricciardi:

Let's back up on that. When the cash subsidies stop so will the in-kind services; correct?

Mr. Leger:

Provided that the lease does not specify there is something we're still supposed to finish. I don't think there is anything still hanging out there so yes you're correct.

Mr. Ricciardi:

Can you follow-up with a memorandum before final vote because in-kind services still cost money and I would think that once the cash subsidies stop January 1st that in-kind services should stop and now I'm not sure if I am going to be prepared to vote in the affirmative unless I have the letter on next Tuesday, thank you.

Ms. McDonald:

I will be voting affirmatively as a person who has done quite a bit of research and use of the libraries and of the whole entire museum, I am very supportive and also having sat on the board and thanks to President Ferlo that I will be continuing to sit on the board of The Carnegie Library and I think they need more minority representation and they have even said this so the philosophy -- I agree with Mr. Ferlo and I have said this at a board meeting is that I think they need to get out into the communities and through the board meetings I have seen myself that they are vesting more at a community level than just centralizing into Oakland with the aura that we see with lots of endowments and lots of investment in art and what have you but most people, senior citizens and children like to read books at the community level. So I agree that the philosophy needs to change and that is why I had asked President Ferlo if now not being President of the School Board and having a seat

but could I please sit as a Councilperson just to push that issue. So I would make sure and I can guarantee to this Council body that the philosophies that we express here on what we feel the City of Pittsburgh how we can work with The Carnegie Library that we can make it work even better. So I will be voting affirmatively and watching the monies to make sure that they are used in a wise manner, thank you.

Mr. Ferlo:

Paul, I know you have prepared a financial ledger on the debt service and the operating service. Can you review in maybe summary form the sheet and specifically the fact that the debt service obligations will be maintained by the RAD funding to the City. For instance, whatever million plus, whatever it is for the Zoo or the other debt service items. We will be reimbursed for this ten-year period for those obligations in addition to the fact that the institution will be gaining operating subsidy.

Mr. Leger:

The sheet that you are getting gives an over all summary of the impact on the operating and capital budgets by the RAD subsidies. Actual cash into the City's hands is $3,500,000 for the parks and that is added into the operating budget. We do not get a direct debt service subsidy from the Allegheny Regional Assets District but under the terms of each of these agreements, the asset must pay back to us out of its grant the appropriate debt service on the institution for our past investments there. The Zoo's amount is $1,100,000, the Phipps amount is $360,000 and the Aviary's amount is $60,000 annually that they pay back to us under the terms of the agreement.

Mr. Ferlo:

Is there a way to do this legally in such a way that that debt service could then be removed from the overall debt service that's technically obligated by city government so when we do a debt service or debt policy statement --

Mr. Leger:

-- since we don't issue bonds separately for the institutions there's no way to separate it out and that's why we have to take this as a reimbursement from the institution.

Mr. Ferlo:

I understand that but similar to the way we did the funding for the development fund as a way of not having that burden go on the City's operating budget debt service, in was done in such a way legally so that actually did not end up being perceived by

auditors as part of the debt service to the City and I'm wondering, is there a way for us to find some legal way by which we want to guarantee the receipt of these dollars but in some way can remove the burden that's perceived as the debt service and the City's operating budget.

Mr. Leger:

Let me ask the Finance Department whether or not it's possible. The development fund is a little bit different because they would be different bonds.

Mr. Ferlo:

I understand that but I think you understand where I'm going and I would ask that you review that, thank you.

The Chair:

Any other questions?

Mr. Cohen:

Real quick, just about the Stadium Authority. Can somebody break down the numbers for me? My recollection is that the City had given $4 million, $1.8 million in operating and $2.2 million in debt service. That's $4 million from the City but the Stadium is getting $10 million from this agreement. Where is the other $6 million coming from? How did it work out?

Mr. Pollock:

The RAD Board after reviewing all the applications decided to add some discretionary money with the statutory money because the Stadium Authority presented a compelling case as to why they needed a little more above than their statutory amount.

Mr. Cohen:

Do we vote on that?

Mr. Pollock:

No, that's a RAD Board decision but it is in this agreement though. You are approving the agreement that is before you that has both amounts in it.

Mr. Cohen:

I don't oppose it but I'm just I'm wondering why -- it seems like it's the only funding that we are approving that is not statutory. It is not entirely a statutory formula. We're essentially approving the RAD Board's decision to give that extra money to the Stadium.

Mr. Pollock:

Only because that's a statutory institution that's getting some discretionary funds.

The Chair:

Several of these groups are receiving more than the minimal. For example, the Aviary was scheduled for $600,000 but they're actually getting $800,000 so a lot of them have been approved more with discretionary dollars above the statutory minimum.

Mr. Cohen:

That's great but is that actually in our legislation?

The Chair:

Yes, the total amount is there.

Mr. Cohen:

Had had County been contributing anything to the Stadium?

Mr. Pollock:

Yes, $426,000 a year which is coming to the City through the Association for the Improvement of Municipalities.

The Chair:

That's gone also.

Mr. Pollock:

That is part of the statutory amount.

Mr. Pollock:

Absolutely.

Mr. Cohen:

But the funding we're approving today.

Mr. Pollock:

Yes.

Mr. Cohen:

Thank you.

The Chair:

Any other discussion? All in favor of all the bills? Opposed? The ayes have it.

(END OF COMMENTS)
PREPARED BY: MARY ANNE HRUSKA
STENOTYPE REPORTER

Mr. Cohen:

To what that $10 million will be going toward? The $4 million obviously will be going toward the normal maintenance and improvements that we have been doing every year.

Mr. Pollock:

I'm sure a large part is going to go to improving the situation for the tenants at the stadium.

Mr. Cohen:

Okay.

The Chair:

The two big capital projects there is going to be seat renovations taking place but that is going to be part of a bond issue too or debt service but I would say that Mr. Pollock is right that a majority of this will be washed out. You will see the actual results through the agreements that are eventually approved that are eventually approved for any future owner.

Mr. Cohen:

Are we right now approving lease concessions to the Rigas family?

Mr. Pollock:

No, absolutely not.

Mr. Cohen:

But the funding is there. We are approving the funding aren't we?

Mr. Pollock:

We don't have the availability to make enhancements to the tenants then we won't be able to make the enhancements. So yes you're approving a reservoir of money that a large part will probably be used to improvements to the leases.

Mr. Cohen:

How are we not approving the funds for it? It sounds like what you are saying is we still have to approve the lease itself.